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PENNSYLVANIA BULLETIN

Volume 28

Number 10

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Pages 1207—1304

Agencies in this issue:

The General Assembly
The Courts
Department of Banking
Department of Community and Economic
Development
Department of Education
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Public Welfare
Department of Transportation
Environmental Quality Board
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Public Utility Commission
State Athletic Commission
Treasury Department
Turnpike Commission

Detailed list of contents appears inside.

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 280, March 1998

PENNSYLVANIA



BULLETIN

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Contents

THE GENERAL ASSEMBLY

- Recent actions during the 1998 regular session of the General Assembly 1214

THE COURTS

CIVIL PROCEDURAL RULES

- Proposed amendments to Rules 1910.16-1—1910.16-5 relating to the supporting guidelines; recommendation 48 1216

LOCAL COURT RULES

Schuylkill County

- Amendment to civil rules of procedure and orphans' court rule 1233

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

- Action on applications 1248

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

- Notice of 1997 annual performance report availability; consolidated plan 1249

DEPARTMENT OF EDUCATION

Notices

- Preproposal conference/funding workshop 1250

DEPARTMENT OF ENVIRONMENTAL PROTECTION

See also ENVIRONMENTAL QUALITY BOARD

Notices

- Applications, actions and special notices 1251
Availability of technical guidance 1280

DEPARTMENT OF GENERAL SERVICES

Notices

- Contract awards 1304
State contracts information 1293

DEPARTMENT OF HEALTH

Notices

- Governor's Council on Physical Fitness and Sports meeting 1281
Pennsylvania Cancer Control, Prevention and Research Advisory Board meeting 1281

DEPARTMENT OF LABOR AND INDUSTRY

Notices

- Public hearing canceled 1281

DEPARTMENT OF PUBLIC WELFARE

Notices

- Notice of rule change—drug and alcohol clinics with provisional licenses 1281

DEPARTMENT OF TRANSPORTATION

Notices

- Contemplated sale of land no longer needed for transportation purposes (2 documents) 1282
Retention of engineering firms 1283

ENVIRONMENTAL QUALITY BOARD

Rules and Regulations

- Oil and gas 1234

FISH AND BOAT COMMISSION

Notices

- Additional restrictions on Fish and Boat Commission property 1287

GAME COMMISSION

Proposed Rulemaking

- Bag limits 1243

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

- Notice of filing of final-form rulemakings 1287

INSURANCE DEPARTMENT

Rules and Regulations

- Mass merchandising of property and casualty insurance 1235
Miscellaneous 1237

Notices

- Mutual-to-stock plan of conversion; Provident Mutual Life Insurance Company 1287
Rate filing; Erie Insurance Exchange; homeowners insurance 1288
Review procedure hearings; cancellation or refusal of insurance 1288
Review procedure hearings under the Unfair Insurance Practices Act 1288

LIQUOR CONTROL BOARD

Notices

- Expiration of leases 1289

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

- Little Washington Wastewater Company—wastewater service 1290
Service of notice of motor carrier applications 1289
Water service:
 Pennsylvania-American Water Company and Franklin Manor Utilities, Ltd. 1291
 Superior Water Company, Inc. (2 documents) 1291

STATE ATHLETIC COMMISSION

Rules and Regulations

- HIV testing 1238

TREASURY DEPARTMENT

Notices

- Request for proposal 1291

TURNPIKE COMMISSION

Notices

- Request for proposals (2 documents) 1291, 1292

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 1998.

4 Pa. Code (Administration)

Adopted Rules

1	466
5	471
7	356

Statements of Policy

9	49, 382
---------	---------

10 Pa. Code (Banks and Banking)

Adopted Rules

11	14
13	14
17	14
35	14
41	14

Proposed Rulemaking

41	44
----------	----

12 Pa. code (Community and Economic Development)

Statements of Policy

61	1139
----------	------

19 Pa. Code (Corporations and Business Associations)

Adopted Rules

41	799
----------	-----

22 Pa. Code (Education)

Adopted Rules

14	1002
342 (with correction)	1004, 1135

25 Pa. Code (Environmental Protection)

Adopted Rules

77 (with correction)	619, 801
78	1234
79	1234
80	1234
86	15
93	137
103	18
245 (with correction)	1135
901	1136

Proposed Rulemaking

86	941
102	769
215	881
217	881
219	881
220	881
224	881
225	881
226	881
230	881
232	881
1021	807

28 Pa. Code (Health and Safety)

Proposed Rulemaking

6	485, 1008
---------	-----------

31 Pa. Code (Insurance)

Adopted Rules

113	1235
137	1237

34 Pa. Code (Labor & Industry)

Adopted Rules

65	21
122	329
123	329
127	329
131	329

40 Pa. Code (Liquor)

Adopted Rules

9	279
11	279

Proposed Rulemaking

13	488
----------	-----

49 Pa. Code (Professional and Vocational Standards)

Proposed Rulemaking

16	814
----------	-----

Statement of Policy

61	382
----------	-----

52 Pa. Code (Public Utilities)

Adopted Rules

1	647
3	647
5	647, 801
21	647
23	647
29	647
31	647
37	801
53	801
55	801
56	801
58	25
65	801, 804
69	801
71	801

Proposed Rulemaking

53	508
53a	508
54	490, 493, 501, 508, 514, 518
57	493

55 Pa. Code (Public Welfare)

Proposed Rulemaking

3480	1079
3490	1079
3680	953
3710	953
3760	953
3800 (with correction)	953, 1138
3810	953
5310	953
6400	953

Statements of Policy

1101	138
1187	138

58 Pa. Code (Recreation)**Adopted Rules**

21	1238
51	30
53	30
93	30, 34, 40, 1006
109	30

Proposed Rulemaking

61	45
65	45
135	1243
139	1243
141	1243

61 Pa. Code (Revenue)**Adopted Rules**

71	979
72	979
73	979
75	979
76	979
77	979
79	979
83	979
85	979

Proposed Rulemaking

7	366
31	366
32	366
33	366
34	366
42	366
44	366
45	366
46	366
47	366
58	366
155	380

67 Pa. Code (Transportation)**Adopted Rules**

71	364
75	364
83	364

207 Pa. Code (Judicial Conduct)**Adopted Rules**

5	359
---------	-----

Proposed Rulemaking

113	795
119	646

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

200	359
-----------	-----

Proposed Rulemaking

1910	1216
------------	------

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

50	1126
100	1126
1400	480

Proposed Rulemaking

20	475
300	475
305	276
1100	475

249 Pa. Code (Philadelphia Rules)

Unclassified	997
--------------------	-----

252 (Allegheny County Rules)

Unclassified	133, 135
--------------------	----------

255 Pa. Code (Local Court Rules)

Unclassified	8, 9, 10, 135, 136, 277, 481, 482, 646, 795, 796, 798, 1000, 1128, 1132, 1233
--------------------	---

THE GENERAL ASSEMBLY

Recent Actions during the 1998 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 1998 Regular Session.

1998 ACTS—Acts 14 through 33 (numerical)

<i>Act No.</i>	<i>Enactment Date</i>	<i>Bill No.</i>	<i>Printer's No.</i>	<i>Effective Date</i>	<i>Subject Matter</i>
1998-14	Feb. 11	SB213	PN1027	60 days	G. Donald McLaughlin Memorial Covered Bridge—designa-tion
1998-15	Feb. 11	HB440	PN2771	60 days	Combustible and Flammable Liquids Act—enactment
1998-16	Feb. 11	HB909	PN2772	60 days	Donald L. Heiter and C. Vance DeiCas Memorial Highways, Technology Way and Louis R. Donahue, Castanea Fireman's and Mifflin County Veterans Memorial Bridges—designa-tion
1998-17	Feb. 12	HB911	PN2877	60 days	Public Safety Emergency Telephone Act—omnibus amend-ments
1998-18	Feb. 13	HB1760	PN2949	Immediately	Pennsylvania Election Code—omnibus amend-ments
1998-19	Feb. 18	SB635	PN1659	Immediately*	Crimes Code (18 Pa.C.S.)—omnibus amend-ments
1998-20	Feb. 18	SB1161	PN1542	Immediately	Project 70 Land Acquisition and Borrowing Act—release of restrictions and conveyance
1998-21	Feb. 18	SB1209	PN1511	Immediately	Conveyance—Commonwealth property in Chester County
1998-22	Feb. 18	HB14	PN2851	Immediately	Check Cashier Licensing Act—enactment
1998-23	Feb. 18	HB109	PN2852	60 days	County Code, The—disaster or emergency aid to municipalities
1998-24	Feb. 18	HB595	PN2765	60 days	Municipal Police Pension Law—early retirement
1998-25	Feb. 18	HB985	PN2892	Immediately	Liquor Code—omnibus amend-ments
1998-26	Feb. 18	HB1048	PN2878	Immediately*	Judicial Code (42 Pa.C.S.)—omnibus amend-ments
1998-27	Feb. 18	HB1111	PN2904	60 days	General Local Government Code (53 Pa.C.S.) —public records regulation
1998-28	Feb. 18	HB1113	PN2905	Immediately	Local Government—public records regulation
1998-29	Feb. 18	HB1114	PN1260	6 months	County records committee—omnibus amend-ments
1998-30	Feb. 18	HB1116	PN2906	Apr. 1, 1998	Local Government—public records regulation
1998-31	Feb. 18	HB1291	PN2407	60 days	Architects Licensure Law—omnibus amend-ments
1998-32	Feb. 18	HB1495	PN2829	Immediately	Conveyance—Commonwealth property in Venango and Lycoming counties and the city of Bethlehem
1998-33	Feb. 18	HB1764	PN2189	Immediately	Repeals—obsolete law relating to Harrisburg streets paving and curbing

* with exceptions

Effective Dates of Statutes

The effective dates specified above for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified of where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the Laws of Pennsylvania are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services shall distribute advance sheets of the Laws of Pennsylvania to each law judge of the courts, to every county and public library of this Commonwealth, and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, State Records Center Building, 1825 Stanley Drive, Harrisburg, PA 17103, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

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Copies of Senate Bills and Documents may be obtained from: Document Room, Senate of Pennsylvania, Room 34A, Main Capitol Building, Harrisburg, PA 17120, (717) 787-6732.

Copies of House Bills and Documents may be obtained from: Document Room, House of Representatives, 35 Main Capitol Building, Harrisburg, PA 17120, (717) 787-5320.

CARL MEASE,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 98-369. Filed for public inspection March 6, 1998, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Proposed Amendments to Rules 1910.16-1—1910.16-5 Relating to the Support Guidelines; Recommendation 48

The Domestic Relations Procedural Rules Committee proposes the following amendments to the Rules of Civil Procedure governing the Support Guidelines. This proposal has not been submitted for review by the Supreme Court of Pennsylvania. The Committee solicits comments and suggestions from all interested persons prior to submission of these proposed amendments to the Supreme Court. Written comments relating to the proposed amendments must be received no later than Friday, May 8, 1998 and must be directed to: Sophia P. Paul, Esquire, Counsel, Domestic Relations, Procedural Rules Committee, 429 Forbes Avenue, Suite 300, Pittsburgh, Pennsylvania 15219, fax (412) 565-2336, e-mail spaul.supreme.court.state.pa.us.

The notes and explanatory comments following each Rule have been inserted to distinguish between the major changes that are being proposed by the Committee and the many technical changes that are also being proposed as part of an overall reorganization of the Rules relating to the support guidelines. A Committee Report has been included to highlight and explain the major changes that are being proposed. The explanatory comments and notes and the Committee Report do not constitute part of the rules. Nor will they be officially adopted or promulgated by the Court.

Introductory Comment

For the convenience and benefit of the practitioner, the Committee has reorganized all of the provisions in these Rules so that they more logically follow the sequence for calculating the overall support obligation. For example, since calculation begins with the computation of the parties' net incomes, Rule 1910.16-2 has been created to consolidate into one rule all of the income provisions that are currently scattered throughout Rule 1910.16-5. Rule 1910.16-2 is then followed by Rule 1910.16-3, the basic child support schedule; Rule 1910.16-4, the formula used in conjunction with the schedule to arrive at obligor's basic support obligation; Rule 1910.16-5, which sets forth the factors that the court must consider to determine if there should be a deviation from the basic support obligation; and Rule 1910.16-6, which consolidates into one rule all of the existing provisions for additional expenses that are typically added to the basic support obligation.

Although this reorganization constitutes a technical change only, publication of these proposed amendments requires that these changes be boldfaced in the same manner as the more substantive changes. Explanatory comments following each Rule have been inserted, therefore, to distinguish between the major changes that are being proposed by the Committee and the technical changes that have been made as part of the overall reorganization. A Committee Report follows these pro-

posed amendments to highlight and explain the more substantive changes that are being proposed.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.* The support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes as defined in Rule 1910.16-2 and the number of persons being supported. The support of a spouse or child is a priority obligation, so that a party is expected to meet this obligation by adjusting his or her other expenditures.

[(a)] (b) The amount of support (child support, spousal support or alimony pendente lite) to be awarded pursuant to the procedures under Rules 1910.11 and 1910.12 shall be determined in accordance with the support guidelines which consist of the guidelines expressed as **[grids set forth in Rule 1910.16-2 and as a formula in Rule 1910.16-3]** the child support schedule set forth in Rule 1910.16-3 and the formula set forth in Rule 1910.16-4 and the operation of the guidelines as set forth in **[Rule 1910.16-5]** these rules.

[Official Note: Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.]

(c) Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.

[(b)] (d) If it has been determined that there is an obligation to pay support, there shall be a rebuttable presumption that the amount of the award determined from the guidelines is the correct amount of support to be awarded. **The support guidelines are a rebuttable presumption and must be applied taking into consideration the special needs and obligations of the parties. The trier of fact must consider the factors set forth in Rule 1910.16-5.** The presumption shall be rebutted if the trier of fact makes a written finding, or a specific finding on the record, that an award in the amount determined from the guidelines would be unjust or inappropriate.

[(c)] (e) The guidelines shall be reviewed at least once every four years to insure that their application results in the determination of appropriate amounts of support.

Explanatory Comment to Rule 1910.16-1—1998

As part of the overall reorganization of the Rules relating to the support guidelines, the Committee proposes to amend this Rule only to incorporate the language which currently appears in Rule 1910.16-5(a) relating to the general applicability of the support guidelines. No substantive changes are intended by this change. The note which previously appeared in subdivision (a) has been made part of the actual rule to clarify that the prohibition on concurrent spousal support and alimony pendente lite orders is binding.

Rule 1910.16-2. Support Guidelines [Grids] Calculation of Net Income.

The amount of support to be awarded is based in large part upon the parties' monthly net income.

(a) **Monthly Gross Income.** Monthly gross income is ordinarily based upon at least a six-month average of all of a party's income. The term "income" is defined by the support law, 23 Pa.C.S. § 4302, and includes income from any source. The statute lists many types of income including, but not limited to:

- (1) wages, salaries, bonuses, fees and commissions;
- (2) net income from business or dealings in property;
- (3) interest, rents, royalties, and dividends;
- (4) pensions and all forms of retirement;
- (5) income from an interest in an estate or trust;
- (6) social security benefits, temporary and permanent disability benefits, workers' compensation and unemployment compensation;
- (7) alimony if, in the discretion of the trier of fact, inclusion of part or all of it is appropriate; and

Official Note: Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if obligor is paying \$1,000 per month in rehabilitative alimony for the express purpose of financing obligee's college education and related child care expenses, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance obligee's general living expenses, inclusion of the alimony as income is appropriate.

(8) other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards and verdicts; and any form of payment due to and collectible by an individual regardless of source.

(b) **Treatment of AFDC and SSI Benefits.** Neither public assistance nor Supplemental Security Income (SSI) benefits shall be counted as income for purposes of determining support.

Official Note: Care must be taken to distinguish Social Security from Supplemental Security Income (SSI) benefits. Social Security benefits are income pursuant to subdivision (a) of this Rule.

(c) **Monthly Net Income.**

(1) Unless otherwise provided in this Rule, the court shall subtract only the following items from monthly gross income to arrive at net income:

- (A) federal, state, and local income taxes;
- (B) F.I.C.A. payments and non-voluntary retirement payments;
- (C) union dues; and
- (D) alimony paid to the other party.

(2) The court shall subtract from gross monthly income any child support paid pursuant to a pre-existing order for the benefit of prior children. For purposes of this subsection, prior children are

those born before the children who are the subject of the support action or, in computing a spousal support or alimony pendente lite obligation, children born before the marriage.

Official Note: Where there is no pre-existing order for prior children, but a party presents verification of an established pattern of direct payments for the benefit of these children, the court may consider those payments as a reduction from gross income if the party agrees to formalize the arrangement for the prior children through the entry of a new court order.

(3) In computing a spousal support or alimony pendente lite obligation, the court shall subtract from monthly gross income the amount of alimony or alimony pendente lite paid to a former spouse who is not the subject of the support action.

(4) In computing a child support obligation, the court may subtract from monthly gross income the amount of alimony, spousal support or alimony pendente lite paid to a spouse or former spouse who is not the subject of the support action.

(d) **Reduced or Fluctuating Income.**

(1) **Voluntary Reduction of Income.** Where a party voluntarily assumes a lower paying job, there generally will be no recomputation of the support payment. A party will ordinarily not be relieved of a support obligation by voluntarily quitting work or by being fired for misconduct.

(2) **Involuntary Reduction of Income.** No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income.

(3) **Seasonal Employees.** Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) **Income Potential.** Ordinarily, a party who willfully fails to obtain appropriate employment will be considered to have an income equal to the party's earning capacity. Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity.

(e) **Net Income Affecting Application of the Child Support Guidelines.**

(1) **Low Income Cases.**

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the Schedule set forth in Rule 1910.16-3, the basic child support obligation shall be calculated using the obligor's income only. For example, where obligor has monthly net income of \$700, his or her basic monthly support obligation for three children is \$184. This amount is determined directly from the schedule in Rule 1910.16-3.

(B) In computing a basic spousal support or alimony pendente lite obligation pursuant to the formula in Rule 1910.16-4, the presumptively correct amount of support shall not reduce the obligor's net income below \$500 per month. For example, if obligor earns \$600 per month and obligee earns \$300 per month, the presumptively correct amount of spousal support is calculated as follows. Using the formula, multiply the net difference between

the parties' incomes (\$300) by .40 to arrive at \$120 per month. Since this amount leaves the obligor with only \$480 per month, it must be adjusted (reduced by \$20) so that obligor retains \$500 per month. The presumptive minimum amount of spousal support, therefore, is \$100 per month.

(C) When the obligor's monthly net income is \$500 or less, the court may award support, but only after consideration of the obligor's actual living expenses.

(2) High Income Child Support Cases.

When the parties' combined net income exceeds \$15,000 per month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be obligor's percentage share of the highest amount of support which can be derived from the schedule for the appropriate number of children and using the parties' actual combined income to determine obligor's percentage share of this amount. The court may award an additional amount of child support based on the remaining combined income and the factors set forth in *Melzer*.

For example, where obligor and obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$3,480. Obligor's percentage share of the combined obligation is 81% of \$3,480, or \$2,818. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule in Rule 1910.16-3, which is limited to combined household income of \$15,000, the court may award an additional amount of support based on the parties' remaining income of \$6,000 and the factors set forth in *Melzer*.

Explanatory Comment to Rule 1910.16-2—1998

As part of the overall reorganization of the support guidelines, the Committee proposes to rescind current Rule 1910.16-2 as it relates to the Grids and substitute it with new Rule 1910.16-2 Calculation of Net Income. For the most part, this Rule simply consolidates all of the income provisions that are currently scattered throughout Rule 1910.16-5. See the Committee Report. Given the many other issues that had to be addressed in the four-year guideline review, the Committee plans to conduct a more comprehensive and substantive review of these income provisions at a later time.

1. *Monthly Gross Income.* New subdivision (a) incorporates existing Rule 1910.16-5(b) specifying what is gross income for purposes of calculating support. Only two substantive changes have been made to this existing provision, both of which were necessary so that the rule conforms to the recently expanded definition of "income" in 23 Pa.C.S. § 4302. The two changes are: 1) the addition of bonuses to the items of gross income that must be considered in establishing a support obligation; and 2) the inclusion of lottery winnings, income tax refunds, insurance compensation or settlements, awards or verdicts and any form of payment due and collectible

regardless of source. The two changes appear in subsections (1) and (8) respectively and merely track the statutory language in this regard.

2. *Treatment of AFDC and SSI Benefits.* New subdivision (b) incorporates verbatim existing Rule 1910.16-5(p). No changes have been made here.

3. *Monthly Net Income.* (See the Committee Report). New subdivision (c) substantially incorporates existing Rule 1910.16-5(b) specifying the deductions that may be taken from gross income to arrive at net income. Several substantive changes have been made with respect to deductions. First, the deduction of health insurance premiums has been eliminated in accordance with the Committee's proposal that the cost of the premium be treated as an additional expense subject to allocation between the parties under Rule 1910.16-6.

Second, subsections (2) through (4) reflect the Committee's proposal to change the current multiple family calculation under Rule 1910.16-5(n) and (o) to an approach which gives priority to first born children and prior spouses. Subsection (2) requires a mandatory deduction from gross income of any child support paid pursuant to a pre-existing court order. This applies to both child and spousal support cases. When calculating a spousal support or APL obligation only, subsection (3) requires a further deduction from gross income of alimony or APL being paid to a former spouse who is not the subject of the support action. When calculating a child support obligation, however, subsection (4) provides that the court "may" deduct alimony, spousal support or APL payments being made to a former spouse. When construed together, these two provisions reflect the priority that a prior spouse must receive over subsequent spouses, and the priority that a prior spouse should, but may not always, receive over later born children.

4. *Reduced or Fluctuating Income.* New subdivision (d) incorporates existing Rule 1910.16-5(c). The only change here is the elimination of the provision permitting courts to exercise their discretion in determining whether bonuses should be included in gross income. This change is consistent with the recent amendment to the definition of "income" under 23 Pa.C.S. § 4302 to include bonuses as income that must be considered in establishing a support obligation.

5. *Net Income Affecting Application of the Guidelines.* (See the Committee Report). New subdivision (e) is a modified version of existing Rule 1910.16-5(d) with the following changes. Subsection (1)(A) reflects the incorporation of the Computed Allowance Minimum (CAM) in low-income child support cases. When the obligor's net monthly income falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate obligor's support obligation because the CAM keeps the amount of the obligation the same regardless of obligee's income. Obligee's income is a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the support schedule in Rule 1910.16-3 reflects child support only, subsection (1)(B) is necessary to reflect the operation of CAM in spousal support and alimony pendente lite cases. It adjusts the basic guideline obligation that is calculated under the formula in Rule 1910.16-4 so that the obligor does not fall below \$500 per month in these cases.

When the obligor has net income of only \$500 per month or less, subsection (1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order is appropriate. In some cases, it may not be appropriate to order support at all.

Subsection (2) reflects the limited application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984) to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$15,000 per month. The court must continue, however, to establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount has been modified slightly to clarify that the parties' percentage shares should be calculated using their actual combined income rather than (as the examples which are currently set forth in the guidelines suggest) theoretical combined income of only \$15,000. This change eliminates many of the inequities and inconsistencies that arise in some cases from the application of the current method.

In addition, subsection (2) includes specific language directing the court to consider awarding an additional amount of support based on the parties' remaining com-

bined income and the *Melzer* case. In considering the remaining income, the court must use the factors set forth in *Melzer*. It would be improper to apply the formula in Rule 1910.16-4 to this income and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must, therefore, be determined in accordance with the factors set forth in *Melzer*.

Rule 1910.16-3. Support Guidelines. [Formula] Basic Child Support Schedule.

[(a)] Rescinded and moved to new Rule 1910.16-4(a).

[(b) Chart of Proportional Expenditures.] Rescinded.

The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these Rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Rule 1910.16-4.

<i>Combined Net Monthly Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
0-600	50	60	70	80	90	100
650	135	137	138	140	141	143
700	171	182	184	186	188	190
750	183	220	230	233	235	238
800	196	238	262	279	282	285
850	208	255	283	302	318	333
900	220	273	304	325	343	360
950	232	291	325	348	369	387
1000	244	308	346	371	394	414
1050	256	326	367	394	419	441
1100	268	391	463	511	554	593
1150	279	407	482	532	577	617
1200	291	423	501	553	600	642
1250	302	440	520	575	623	667
1300	313	456	539	596	646	691
1350	325	472	558	617	669	716
1400	336	489	578	638	692	740
1450	347	505	597	659	715	765
1500	359	521	616	681	738	789
1550	370	538	635	702	761	814
1600	381	554	654	723	784	839
1650	393	571	674	744	807	863
1700	404	587	693	766	830	888
1750	415	603	712	787	853	913
1800	427	620	731	808	876	937
1850	438	636	751	829	899	962
1900	449	652	770	851	922	987
1950	461	668	788	871	944	1010
2000	472	684	807	891	966	1034
2050	483	700	825	911	988	1057
2100	494	716	843	932	1010	1081

<i>Combined Net Monthly Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
2150	505	732	862	952	1032	1104
2200	516	748	880	972	1054	1128
2250	528	763	898	993	1076	1151
2300	539	779	917	1013	1098	1175
2350	550	795	935	1033	1120	1198
2400	560	811	954	1054	1143	1223
2450	571	827	973	1075	1165	1247
2500	582	842	991	1095	1187	1271
2550	593	858	1010	1116	1210	1295
2600	603	874	1029	1137	1232	1319
2650	614	889	1048	1158	1255	1343
2700	625	905	1066	1178	1277	1367
2750	635	921	1085	1199	1300	1391
2800	641	929	1095	1209	1311	1403
2850	647	937	1104	1220	1322	1415
2900	653	945	1113	1230	1333	1427
2950	658	953	1122	1240	1345	1439
3000	664	961	1132	1251	1356	1451
3050	670	969	1141	1261	1367	1463
3100	676	977	1150	1271	1378	1474
3150	681	986	1160	1282	1389	1486
3200	686	993	1167	1289	1398	1496
3250	690	998	1172	1295	1404	1502
3300	693	1004	1177	1301	1410	1509
3350	697	1010	1182	1306	1416	1515
3400	700	1016	1187	1312	1422	1522
3450	704	1022	1192	1318	1428	1528
3500	708	1028	1197	1323	1434	1535
3550	711	1034	1203	1329	1440	1541
3600	715	1040	1208	1335	1447	1548
3650	724	1052	1223	1351	1465	1567
3700	733	1063	1238	1368	1483	1586
3750	742	1075	1252	1384	1500	1605
3800	750	1086	1267	1400	1518	1624
3850	759	1098	1282	1417	1536	1643
3900	768	1109	1297	1433	1553	1662
3950	777	1121	1311	1449	1571	1681
4000	786	1132	1326	1465	1588	1700
4050	794	1143	1339	1480	1604	1717
4100	801	1153	1351	1493	1619	1732
4150	808	1163	1363	1506	1633	1747
4200	815	1174	1375	1520	1647	1763
4250	822	1184	1387	1533	1662	1778
4300	829	1194	1399	1546	1676	1793
4350	836	1204	1411	1559	1690	1809
4400	843	1215	1423	1573	1705	1824
4450	850	1225	1435	1586	1719	1840
4500	857	1235	1447	1599	1734	1855
4550	864	1245	1459	1612	1748	1870
4600	872	1255	1471	1626	1762	1886
4650	879	1266	1483	1639	1777	1901
4700	886	1276	1495	1652	1790	1916
4750	892	1285	1506	1664	1804	1930
4800	899	1295	1518	1677	1818	1945
4850	906	1305	1529	1690	1832	1960
4900	913	1315	1541	1702	1845	1975

<i>Combined Net Monthly Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
4950	920	1325	1552	1715	1859	1989
5000	927	1335	1564	1728	1873	2004
5050	934	1344	1575	1740	1887	2019
5100	941	1354	1586	1753	1900	2033
5150	948	1364	1598	1766	1914	2048
5200	954	1374	1609	1778	1928	2063
5250	961	1384	1621	1791	1941	2077
5300	968	1394	1632	1804	1955	2092
5350	975	1404	1644	1816	1969	2107
5400	982	1413	1655	1829	1983	2121
5450	989	1423	1667	1842	1996	2136
5500	996	1433	1678	1854	2010	2151
5550	1003	1443	1690	1867	2024	2166
5600	1010	1453	1701	1880	2038	2180
5650	1016	1463	1713	1893	2052	2195
5700	1023	1473	1724	1905	2065	2210
5750	1030	1483	1736	1918	2079	2225
5800	1037	1492	1747	1931	2093	2240
5850	1044	1502	1759	1944	2107	2254
5900	1051	1512	1771	1956	2121	2269
5950	1058	1522	1782	1969	2135	2284
6000	1065	1532	1794	1982	2148	2299
6050	1071	1542	1805	1995	2162	2314
6100	1078	1552	1817	2008	2176	2328
6150	1085	1561	1828	2020	2190	2343
6200	1092	1571	1840	2033	2204	2358
6250	1099	1581	1851	2046	2218	2373
6300	1106	1591	1863	2059	2232	2388
6350	1113	1601	1875	2071	2245	2403
6400	1120	1611	1887	2085	2260	2418
6450	1126	1621	1899	2099	2275	2434
6500	1133	1632	1912	2112	2290	2450
6550	1140	1642	1924	2126	2305	2466
6600	1147	1652	1937	2140	2320	2482
6650	1153	1662	1949	2154	2334	2498
6700	1160	1672	1961	2167	2349	2514
6750	1167	1682	1974	2181	2364	2530
6800	1174	1693	1986	2195	2379	2546
6850	1181	1703	1998	2208	2394	2561
6900	1187	1713	2011	2222	2409	2577
6950	1194	1723	2023	2236	2424	2593
7000	1201	1733	2036	2249	2438	2609
7050	1208	1744	2048	2263	2453	2625
7100	1215	1754	2060	2277	2468	2641
7150	1221	1764	2073	2290	2483	2657
7200	1228	1774	2085	2304	2497	2672
7250	1231	1779	2091	2311	2505	2680
7300	1235	1784	2098	2318	2513	2689
7350	1238	1790	2104	2325	2521	2697
7400	1242	1795	2111	2333	2529	2706
7450	1245	1800	2117	2340	2536	2714
7500	1249	1806	2124	2347	2544	2722
7550	1252	1811	2131	2354	2552	2731
7600	1256	1816	2137	2362	2560	2739
7650	1260	1822	2144	2369	2568	2748
7700	1263	1827	2150	2376	2576	2756

<i>Combined Net Monthly Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
7750	1267	1832	2157	2383	2584	2764
7800	1270	1838	2163	2391	2591	2773
7850	1274	1843	2170	2398	2599	2781
7900	1277	1848	2177	2405	2607	2790
7950	1281	1854	2183	2412	2615	2798
8000	1284	1859	2190	2420	2623	2806
8050	1288	1865	2197	2428	2632	2816
8100	1296	1877	2211	2443	2648	2834
8150	1304	1888	2224	2458	2664	2851
8200	1312	1900	2238	2473	2680	2868
8250	1320	1911	2251	2487	2696	2885
8300	1328	1923	2265	2502	2712	2902
8350	1336	1934	2278	2517	2729	2920
8400	1344	1945	2291	2532	2745	2937
8450	1352	1957	2305	2547	2761	2954
8500	1360	1968	2318	2562	2777	2971
8550	1368	1980	2332	2576	2793	2988
8600	1376	1991	2345	2591	2809	3006
8650	1384	2003	2358	2606	2825	3023
8700	1392	2014	2372	2621	2841	3040
8750	1400	2026	2385	2636	2857	3057
8800	1408	2037	2399	2651	2873	3074
8850	1416	2049	2412	2665	2889	3092
8900	1424	2060	2426	2680	2905	3109
8950	1432	2072	2439	2695	2921	3126
9000	1440	2083	2452	2710	2937	3143
9050	1448	2095	2466	2725	2954	3160
9100	1456	2106	2479	2739	2970	3177
9150	1464	2117	2493	2754	2986	3195
9200	1472	2129	2506	2769	3002	3212
9250	1480	2140	2519	2784	3018	3229
9300	1488	2152	2533	2799	3034	3246
9350	1496	2163	2546	2814	3050	3263
9400	1504	2175	2560	2828	3066	3281
9450	1512	2186	2573	2843	3082	3298
9500	1520	2198	2586	2858	3098	3315
9550	1528	2209	2600	2873	3114	3332
9600	1536	2221	2613	2888	3130	3349
9650	1544	2232	2627	2903	3146	3367
9700	1552	2244	2640	2917	3162	3384
9750	1560	2255	2654	2932	3179	3401
9800	1568	2267	2667	2947	3195	3418
9850	1576	2278	2680	2962	3211	3435
9900	1584	2289	2694	2977	3227	3453
9950	1592	2301	2707	2991	3243	3470
10000	1600	2312	2721	3006	3259	3487
10050	1608	2324	2734	3021	3275	3504
10100	1616	2335	2747	3036	3291	3521
10150	1624	2347	2761	3051	3307	3539
10200	1632	2358	2774	3066	3323	3556
10250	1640	2370	2788	3080	3339	3573
10300	1648	2381	2801	3095	3355	3590
10350	1656	2393	2815	3110	3371	3607
10400	1664	2404	2828	3125	3387	3625
10450	1672	2416	2841	3140	3403	3642
10500	1680	2427	2855	3155	3420	3659

<i>Combined Net Monthly Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
10550	1688	2439	2868	3169	3436	3676
10600	1695	2448	2879	3181	3449	3690
10650	1698	2453	2886	3188	3456	3698
10700	1702	2459	2892	3196	3464	3707
10750	1706	2464	2899	3203	3472	3715
10800	1710	2470	2905	3210	3480	3723
10850	1713	2475	2912	3217	3487	3732
10900	1717	2481	2918	3224	3495	3740
10950	1721	2486	2925	3232	3503	3748
11000	1725	2492	2931	3239	3511	3757
11050	1728	2497	2938	3246	3519	3765
11100	1732	2503	2944	3253	3526	3773
11150	1736	2508	2951	3260	3534	3782
11200	1740	2513	2957	3268	3542	3790
11250	1743	2519	2964	3275	3550	3798
11300	1747	2524	2970	3282	3558	3807
11350	1751	2530	2977	3289	3565	3815
11400	1755	2535	2983	3296	3573	3823
11450	1758	2541	2990	3303	3581	3832
11500	1762	2546	2996	3311	3589	3840
11550	1766	2552	3003	3318	3597	3848
11600	1770	2557	3009	3325	3604	3857
11650	1773	2563	3016	3332	3612	3865
11700	1777	2568	3022	3339	3620	3873
11750	1781	2574	3029	3347	3628	3882
11800	1785	2579	3035	3354	3635	3890
11850	1788	2585	3042	3361	3643	3898
11900	1792	2590	3048	3368	3651	3907
11950	1796	2596	3055	3375	3659	3915
12000	1800	2601	3061	3382	3667	3923
12050	1803	2607	3068	3390	3674	3932
12100	1807	2612	3074	3397	3682	3940
12150	1811	2618	3081	3404	3690	3948
12200	1815	2623	3087	3411	3698	3957
12250	1818	2628	3094	3418	3706	3965
12300	1822	2634	3100	3426	3713	3973
12350	1826	2639	3107	3433	3721	3982
12400	1830	2645	3113	3440	3729	3990
12450	1833	2650	3120	3447	3737	3998
12500	1837	2656	3126	3454	3745	4007
12550	1841	2661	3133	3462	3752	4015
12600	1845	2667	3139	3469	3760	4023
12650	1848	2672	3145	3475	3767	4031
12700	1852	2678	3152	3483	3776	4040
12750	1856	2684	3159	3491	3784	4049
12800	1860	2689	3166	3499	3793	4058
12850	1864	2695	3174	3507	3801	4067
12900	1868	2701	3181	3515	3810	4077
12950	1872	2707	3188	3523	3818	4086
13000	1876	2713	3195	3530	3827	4095
13050	1880	2718	3202	3538	3835	4104
13100	1884	2724	3209	3546	3844	4113
13150	1888	2730	3216	3554	3853	4122
13200	1892	2736	3223	3562	3861	4131
13250	1896	2742	3231	3570	3870	4141
13300	1900	2747	3238	3578	3878	4150

<i>Combined Net Monthly Income</i>	<i>One Child</i>	<i>Two Children</i>	<i>Three Children</i>	<i>Four Children</i>	<i>Five Children</i>	<i>Six Children</i>
13350	1904	2753	3245	3586	3887	4159
13400	1908	2759	3252	3593	3895	4168
13450	1912	2765	3259	3601	3904	4177
13500	1916	2771	3266	3609	3912	4186
13550	1920	2776	3273	3617	3921	4195
13600	1924	2782	3280	3625	3929	4205
13650	1928	2788	3288	3633	3938	4214
13700	1932	2794	3295	3641	3947	4223
13750	1936	2800	3302	3649	3955	4232
13800	1940	2805	3309	3656	3964	4241
13850	1944	2811	3316	3664	3972	4250
13900	1948	2817	3323	3672	3981	4259
13950	1952	2823	3330	3680	3989	4268
14000	1956	2829	3338	3688	3998	4278
14050	1960	2834	3345	3696	4006	4287
14100	1964	2840	3352	3704	4015	4296
14150	1968	2846	3359	3712	4023	4305
14200	1972	2852	3366	3719	4032	4314
14250	1976	2858	3373	3727	4040	4323
14300	1980	2863	3380	3735	4049	4332
14350	1984	2869	3387	3743	4058	4342
14400	1988	2875	3395	3751	4066	4351
14450	1992	2881	3402	3759	4075	4360
14500	1996	2887	3409	3767	4083	4369
14550	2000	2892	3416	3775	4092	4378
14600	2004	2898	3423	3783	4100	4387
14650	2008	2904	3430	3790	4109	4396
14700	2012	2910	3437	3798	4117	4406
14750	2016	2916	3444	3806	4126	4415
14800	2020	2921	3452	3814	4134	4424
14850	2024	2927	3459	3822	4143	4433
14900	2028	2933	3466	3830	4152	4442
14950	2032	2939	3473	3838	4160	4451
15000	2036	2945	3480	3846	4169	4460

Explanatory Comment to Rule 1910.16-3—1998

The Committee proposes to replace the existing grids and chart of proportional expenditures with this child support schedule. The schedule shows the amounts spent on children in intact families by combined income and number of children. It is used to find the parties' combined basic child support obligation. In turn, the obligor's share of this obligation is computed using the existing income shares formula in Rule 1910.16-4 which allocates the obligation in proportion to the parties' net incomes. (See the Committee Report).

Rule 1910.16-4. Support Guidelines. [Deviation] Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of the basic guideline child support, spousal support and/or alimony pendente lite obligation:

Child Support

	<i>Obligor</i>	<i>Obligee</i>
1. Total Gross Income per pay period	_____	_____
2. Less Deductions	_____	_____
3. Net Income	_____	_____
4. Conversion to Monthly Amount (if pay period is other than monthly)	_____	_____
5. Combined Total Monthly Net Income		_____
6. BASIC CHILD SUPPORT OBLIGATION (Determine from Schedule in Rule 1910.16-3 based on number of children and the line 5 Combined Monthly Net Income)		_____
7. Total Support		_____

8. Net Income Expressed as a Percentage Share of Income (Divide line 3 (or 4) by line 7)
 9. Each Parent's Monthly Share of the Basic Child Support Obligation (Multiply line 7 and line 8)

<i>Obligor</i>	<i>Obligee</i>
_____ %	_____ %
_____	_____

Spousal Support or APL

With Dependent Children

10. Obligor's Monthly Net Income (Line 3 or 4)
 11. Less Obligee's Monthly Net Income (Line 3 or 4)
 12. Difference
 13. Less Obligor's Total Child Support Obligation
 14. Difference
 15. Multiply by 30%
 16. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL

 (_____)

 (_____)
 (_____)
 x .30

Without Dependent Children

17. Obligor's Monthly Net Income (Line 3 or 4)
 18. Less Obligee's Monthly Net Income (Line 3 or 4)
 19. Difference
 20. Multiply by 40%
 21. AMOUNT OF MONTHLY SPOUSAL SUPPORT OR APL

 (_____)

 x .40

(b) *Shared Custody*. When the child spends an equal amount of time with both parties, the obligor shall be the party with the higher net income.

(c) *Order For More Than Six Children*. When there are more than six children who are the subject of a single order, the child support obligation shall be calculated as follows. First, determine the appropriate amount of support for six children under the guidelines. Using the same income figures, subtract the support amount for five children from the amount for six children. Multiply the difference by the number of children in excess of six and add the resulting amount to the guideline amount for six children.

(d) *Divided or Split Custody*.

(1) When calculating a child support obligation, and one or more children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Husband and two of whom reside with Wife, and their net monthly incomes are \$1,500 and \$800 respectively, Husband's child support obligation is calculated as follows. Using the schedule in Rule 1910.16-3 for two children and the formula, Husband's support obligation for the two children living with Wife is \$508. Using the schedule in Rule 1910.16-3 for one child and the formula, Wife's support obligation for the child living with Husband is \$188. Subtracting \$188 from \$508 produces a net support amount of \$320 payable to Wife as child support.

(2) When calculating a combined child support and spousal or APL obligation, and one or more children reside with each party, the court shall offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. In the example above, Husband's spousal and child support obligation to Wife and two children is \$564. Wife's child support obligation for one child is \$188. Subtracting \$188

from \$564 produces a net support amount of \$376 payable to Wife as spousal and child support.

(3) The procedures set forth in this subdivision should not necessarily be followed where one party's income is minimal and the other party's income is significantly greater. For example, where the non-custodial parent's income is \$2,000 and custodial parent has no income, the guideline for one child is \$472. If the same numbers are used, but each parent has custody of one child, the guideline is still \$472 because the parent without income is not liable for support which would reduce the \$472 order. This result is inequitable, and therefore the formula set forth above should not be used in similar situations.

(e) *Support Obligations When Custodial Parent Owes Spousal Support*. Where children are residing with the spouse obligated to pay spousal support (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support these children, the guideline amount of spousal support shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support, and awarding the net difference to the non-custodial parent as spousal support.

The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent's support obligation to the children and the effect of that obligation upon the custodial parent's spousal support obligation. The example assumes that the parties have two children and the non-custodial parent's net monthly income is \$1,000 and the custodial parent's net monthly income is \$2,600. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children, i.e., \$640. Second, recompute the net income of the parties assuming the payment of the spousal support so that \$640 is subtracted from the custodial parent's net income, now \$1,960, and added to the non-custodial parent's net income,

now \$1,640. Third, determine the child support obligation of the non-custodial parent based upon the recomputed net incomes in Step 2 from the schedule and formula for two children, i.e., \$468. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 (\$468) from the original support obligation determined in Step 1 (\$640). The recomputed spousal support is \$172.

(f) *Allocation. Consequences.* An order awarding both spousal and child support may be unallocated or state the amount of support allocable to the spouse and the amount allocable to each child. However, the formula provided by these rules assume that an order will be unallocated. Therefore, if the order is to be allocated, the formula set forth in this Rule shall be utilized to determine the amount of support allocable to the spouse. If allocation of an order utilizing the formula would be inequitable, the court shall make an appropriate allocation. Also, if an order is to be allocated, an adjustment shall be made to the award giving consideration to the federal income tax consequences of an allocated order as may be appropriate under the circumstances.

When the parties are in higher income brackets, the income tax considerations are likely to be a more significant factor in determining an award of support. A support award for a spouse and children is taxable to the obligee while an award for the children only is not. Consequently, in certain situations an award only for the children will be more favorable to the obligee than an award to the spouse and children. In this situation, the trier of fact should utilize the guidelines which result in the greatest benefit to the obligee.

When the obligee's net income is equal to or greater than the obligor's net income, the guideline amount for spouse and children is identical to the guideline amount for children only. Therefore, in cases involving support for spouse and children, whenever the obligee's net income is equal to or greater than the obligor's net income, the guideline amount indicated shall be attributed to child support only.

Explanatory Comment to Rule 1910.16-4—1998

As part of the overall reorganization of the support guidelines, the Committee proposes to rescind the Chart of Proportional Expenditures, which is currently used in conjunction with the income shares formula to establish the support obligation, and substitute it with the new schedule in Rule 1910.16-3. The formula itself is modified only to conform to the new schedule. Rule 1910.16-4 also consolidates the following provisions relating to use of the formula in special situations which currently appear throughout existing Rule 1910.16-5.

1. *Shared Custody.* (See the Committee Report). Subdivision (b) reflects the Committee's recommendation for establishing the basic support obligation in a 50-50 shared custody situation. When the child spends half of the time living with one parent and the other half living with the other parent, then for purposes of establishing the basic support obligation, the obligor is the party with the higher net income. If the parties' incomes are identical and custody time is equal, there should be no basic guideline amount awarded except in unusual circum-

stances. In these cases, however, either party may still seek contribution from the other party for any of the additional expenses that he or she incurs on behalf of the children (e.g., health insurance premiums, private school tuition and/or any other additional expenses which are not reflected in the amounts shown in the schedule).

2. *Order for More than Six Children.* Subdivision (c) incorporates existing Rule 1910.16-5(e). It has been changed only to reflect the expanded application of the guidelines from four to six children and the new schedule. No substantive changes are intended here.

3. *Divided or Split Custody.* New subdivision (d) incorporates existing Rule 1910.16-5(h). It has been rewritten only to update the examples so that they reflect the new levels of child support and the new schedule. No substantive changes are intended here.

4. *Support Obligations When Custodial Parent Owes Spousal Support.* New subdivision (e) incorporates existing Rule 1910.16-5(j). It has been rewritten only to update the examples so that they reflect the new levels of child support and the new schedule. No substantive changes are intended here.

5. *Allocation. Consequences.* New subdivision (f) incorporates verbatim existing Rule 1910.16-5(f). No changes were made here.

Rule 1910.16-5. Support Guidelines. [Operation] Deviation.

(a) If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

Official Note: The deviation applies to the amount of the support obligation and not to the amount of income.

(b) In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) other support obligations of the parties;
- (3) other income in the household;
- (4) ages of the children;
- (5) assets of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties and their children;
- (8) in a spousal support or alimony pendente lite case, the length of the marriage; and
- (9) other relevant and appropriate factors, including the best interests of the child or children.

(c) [*Reduced or Fluctuating Income.*] Moved to Rule 1910.16-2(e). No deviation from the support obligation shall be made for the amount of time that each parent spends with the child or children.

[(d) *Net Income Affecting Application of the Guidelines.*] Moved to Rule 1910.16-2(f).

[(e) *Orders for More Than Four Children.*] Moved to Rule 1910.16-4(b).

[(f) *Allocation; Consequences.*] Moved to Rule 1910.16-4(e).

[(g) *Mortgage Payment.*] Moved to Rule 1910.16-6(e).

[(h) *Divided or Split Custody of Minor Children.*] Moved to Rule 1910.16-4(c).

[(i) *Child Care Expenses.*] Moved to Rule 1910.16-6(a).

[(j) *Support Obligations When Custodial Parent Owes Spousal Support.*] Moved to Rule 1910.16-4(d).

[(k) *Determination of Post-Secondary Educational Expenses.*] Rescinded. See *Curtis v. Kline*, 542 Pa. 249, 666 A.2d 265 (1995).

[(l) *Private School Tuition. Summer Camp. Other Needs.*] Moved to Rule 1910.16-6(d).

[(m) *Direct Contributions of Noncustodial Parent.*] Moved to Rule 1910.16-5(c).

[(n) *Awards of Child Support When There are Multiple Families.*] Rescinded. See 1910.16-2(c)(1)(D) and (2).

[(o) *Awards of Spousal Support When There are Multiple Families.*] Rescinded. See Rule 1910.16-2(c)(1)(D) and (2).

[(p) *Unreimbursed Medical Expenses.*] Moved to Rule 1910.16-6(c).

[(q) *Treatment of AFDC and SSI Benefits.*] Moved to Rule 1910.16-2(b).

Explanatory Comment to Rule 1910.16-5—1998

As part of the overall reorganization of the rules relating to the support guidelines, new Rule 1910.16-5 incorporates existing Rule 1910.16-4 setting forth the factors for deviation. The Committee proposes that two substantive changes be made to this provision. Subdivision (b)(8) is added to permit the court to consider the length of the marriage in a spousal support or alimony pendente lite case. Subdivision (c) is added to expressly prohibit deviation based on the amount of time that each parent spends with the child or children. The Committee's rationale for recommending these changes is set forth in detail in the Report. (See the Committee Report).

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation.

(a) *Child care expenses.* Reasonable child care expenses paid by the custodial parent, if necessary to maintain employment or appropriate education in pursuit of income, are the responsibility of both parents. These expenses shall be allocated between the parties in proportion to their net incomes and obligor's share added to his or her basic support obligation.

(1) Except as provided in subsection (2), the total child care expenses shall be reduced by 25% to reflect the federal child care tax credit available to the custodial parent, whether or not the credit is actually claimed by that parent, up to a maximum annual cost of \$2,400 per year for one child and \$4,800 per year for two or more children. For example, where the custodial parent incurs \$7,000

per year of reasonable child care expenses for two children, the net child care expenses subject to allocation between the parties is calculated as follows. Multiply the first \$4,800 of these expenses by .75—\$3,600. Add the remaining child care expenses of \$2,200 to this amount for a total of \$5,800. Divide this amount by 12 months for a total of \$483 per month of net child care expenses that are subject to allocation between the parties in proportion to their net incomes.

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the custodial parent's gross income (before considering any support) falls below \$1,200 per month for one child, \$1,600 per month for two children, \$1,800 per month for three children, \$2,000 per month for four children, \$2,300 per month for five children and \$2,500 per month for six children.

(b) *Health Insurance Premiums.*

(1) A party's payment of a premium to provide health insurance coverage on behalf of the other party or the children shall be allocated between the parties in proportion to their net incomes, including the portion of the premium attributable to the party who is paying it. If the obligor is paying the premium, then obligee's share is deducted from the obligor's basic support obligation. If the obligee is paying the premium, then obligor's share is added to his or her basic support obligation. Employer-paid premiums are not subject to allocation.

(2) When the health insurance covers other persons or children who are not the subject of the support action, the portion of the premium attributable to them must be excluded from allocation. In the event this portion is not known or cannot be verified, it shall be calculated as follows. First, determine the cost per person by dividing the total cost of the premium by the number of persons covered under the policy. Second, multiply the cost per person by the number of persons who are not the subject of the support action. The resulting amount is excluded from allocation.

For example, if Husband pays \$200 per month for a health insurance policy which covers himself, Wife, the parties' child, and two additional children from a previous marriage, the portion of the premium attributable to the additional two children, if not otherwise verifiable or known with reasonable ease and certainty, is calculated by dividing \$200 by five persons and then multiplying the resulting amount of \$40 per person by the two additional children, for a total \$80 to be excluded from allocation. Subtract this amount from the total cost of the premium to arrive at the portion of the premium to be allocated between the parties—\$120. Since Husband is paying the premium, Wife's percentage share of \$120 is deducted from Husband's support obligation. If Wife had been providing the coverage, then Husband's percentage share would be added to his basic support obligation.

Official Note: Pursuant to 23 Pa.C.S. § 4326, the non-custodial parent bears the initial responsibility of providing health care coverage for the children if it is available at a reasonable cost on an employment-related or other group basis.

(c) *Unreimbursed Medical Expenses.* Unreimbursed medical expenses of the obligee or the

children shall be allocated between the parties in proportion to their respective net incomes and obligor's share added to his or her basic support obligation.

(1) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person which are recurring and can be reasonably predicted by the court at the time of establishment or modification of the support order. Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, and orthodontia. Medical expenses do not include cosmetic, chiropractic, psychiatric or psychological services unless specifically directed in the order of court.

(2) If there are annual medical expenses in excess of \$250 per person which are unpredictable or non-recurring, the court may order that such expenses, if incurred, be allocated in proportion to the parties' net incomes. The court may direct obligor to pay his or her share either to the obligee or directly to the health care provider.

(3) An annual limitation may be imposed when the burden on the obligor would otherwise be excessive.

Official Note: If the trier of fact determines that the obligee acted reasonably in obtaining services which were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

(d) *Private School Tuition. Summer Camp. Other Needs.* The support schedule does not take into consideration expenditures for private school tuition or other needs of a child which are not specifically addressed by the guidelines. If the court determines that one or more such needs are reasonable, the expense thereof shall be borne by the parties in reasonable shares. The obligor's reasonable share may be added to his or her basic support obligation.

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, APL and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award.

Explanatory Comment to Rule 1910.16-6—1998

As part of the overall reorganization of the rules, New Rule 1910.16-6 consolidates the existing provisions in Rule 1910.16-5 relating to the additional expenses that warrant an adjustment to the basic support obligation. Substantive changes are noted as follows.

1. *Child Care Expenses.* (See the Committee Report). New subdivision (a) substantially incorporates existing subdivision (i) of Rule 1910.16-5 with two substantive changes. First, it changes the method of allocation from

one of equal shares to proportionate shares based on the parties' net incomes. Second, it reflects the federal child care tax credit that is available to the custodial parent. Although this tax credit ranges from 20-30% depending on the custodial parent's income, the Committee has chosen to simplify the calculation for purposes of establishing or modifying a support obligation by adopting the average of 25%. At higher income levels, the court should consider that the credit gradually begins to decrease to the point where it reaches the minimum rate of 20%. In terms of reducing the overall support obligation, however, the difference is negligible.

There are two important limitations on the use of this tax credit. First, it applies only to the first \$2,400 per year (\$200 per month) for one child or \$4,800 per year (\$400 per month) for two or more children. Only child care expenses incurred up to these amounts, therefore, are reduced by 25% before allocating them between the parties. Any remaining expenses are allocated between the parties without adjustment. Second, since the tax credit may be taken only against taxes owed, it cannot be used when the custodial parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the custodial parent's gross income falls below the thresholds set forth therein. The income thresholds are based on 1997 tax rates.

2. *Health Insurance Premiums.* (See the Committee Report). New subdivision (b) reflects the Committee's proposal to treat the cost of health insurance premiums as an additional expense to be allocated between the parties in proportion to their net incomes. In addition, the Committee proposes to permit allocation of the portion of the premium attributable to the party who is paying it as well as the portion attributable to the other party or children. Subsection (2) provides for proration of the premium when the health insurance covers other persons who are not the subject of the support action.

3. *Unreimbursed Medical Expenses.* (See the Committee Report). New subdivision (c) substantially incorporates existing Rule 1910.16-5(p) with four changes. First, since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this Rule as an additional expense to be added to the basic support obligation. Second, the Committee has chosen to draw this same line with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this Rule only for unreimbursed expenses which exceed \$250 per year. The third proposed change is to amend the definition of "medical expenses" to include insurance co-payments, deductibles and orthodontia, and to exclude chiropractic services. The fourth proposed change is to distinguish between medical expenses which are recurring and predictable and those which are not. When the expenses are recurring and predictable, the court may establish a monthly amount for these expenses and add it to the basic support obligation so that it is collectible through a wage attachment.

4. *Private School Tuition. Summer Camp. Other Needs.* New subdivision (d) incorporates existing Rule 1910.16-5(l) and modifies the language only to conform to the new schedule.

5. *Mortgage Payment.* New subdivision (e) substantially incorporates existing Rule 1910.16(g), and has been changed only to provide some uniformity on what consti-

tutes an unusually high mortgage payment that may justify an upward adjustment to the basic support obligation. The change is intended only for the benefit of the obligee living in the marital residence. There is no adjustment if the obligor is living there.

Committee Report

The Family Support Act of 1988 [P. L. 100-485, 102 Stat. 2343 (1988)] requires that the child support guidelines be reviewed every four years to ensure that their application results in the determination of an appropriate child support award. With the assistance of Dr. Robert Williams, the developer of the Income Shares model, the Committee reviewed the most recent economic studies on child-related expenditures in intact households and assessed State guideline adjustments for low income, additional dependents, shared custody, child care, medical expenses and other factors that are considered in establishing or modifying a support award. Based on this review, the Committee proposes to recommend to the Supreme Court that it approve these proposed amendments to Pennsylvania Rules of Civil Procedure 1910.16-1 through 1910.16-5 relating to the support guidelines.

This Report highlights the major changes being proposed by the Committee.

1. *Updating the Levels of Child Support*¹

The current levels of child support are based on economic estimates of intact household expenditures derived from national data dating back to the 1972-1973 Consumer Expenditure Survey conducted by the U. S. Bureau of Labor Statistics. In 1990, more recent economic estimates became available. These estimates are reflected in the proposed child support schedule in Rule 1910.16-3 and, pursuant to Federal and State law, must be adopted to ensure that children continue to receive adequate levels of support.

The more recent studies now consider households of up to six children. The support guidelines have been expanded, therefore, from four to six children. The newer studies also consider households with combined monthly net income of up to \$12,600. Allowing for inflation, the model can be extended to families with monthly net income of up to \$15,000. The Committee has chosen to do this so that the support guidelines will apply to more cases.

2. *Elimination of the Grids and Chart of Proportional Expenditures*²

In lieu of the existing grids and chart set forth in Rules 1910.16-2 and 1910.16-3(b) respectively, the Committee proposes to adopt a basic child support schedule as the method for presenting the new economic estimates. The schedule is a step between grids and a chart, but has significant advantages over both in its accommodation of the proposed amendments to the guidelines. While the grids may be easier to use and reflect amounts for both child and spousal support, they have limited coverage of combined income ranges. Further expansion of these ranges would produce grids that are too unwieldy and cumbersome to work with, particularly in light of the extension of the guidelines to combined monthly net income of \$15,000.

Although the chart of proportional expenditures is more comparable to the schedule, the schedule provides a smoother mechanism for eliminating the gaps in support obligations that would otherwise exist as the result of the

economic studies indicating that the proportion of net income spent on children declines as income increases, even though the level of spending (i.e., actual dollars) on children increases as income increases. The schedule also has the advantage of eliminating two steps in the calculation of support pursuant to the formula in Rule 1910.16-4.

3. *Incorporation of a Computed Allowance Minimum (CAM)*³

The Committee proposes to incorporate a Computed Allowance Minimum (CAM) so that low-income obligors retain sufficient income to meet their basic needs and maintain the incentive to continue working so that support can be paid. The CAM is built into the child support schedule in Rule 1910.16-3 and adjusts the basic support obligation so that obligor's net income does not fall below \$500 per month. Since the schedule does not reflect amounts of spousal support or APL, proposed Rule 1910.16-3(e)(1)(B) requires a similar adjustment in these cases so that the obligor's net income does not fall below \$500 per month in these cases.

The 1997 Federal poverty guideline is \$658 per month. Income levels set by other states range from as little as \$430 in Colorado to as much as \$710 in Vermont. The Committee chose \$500 per month as the level necessary to maintain a minimum standard of living, and invite comment on whether this is too high or too low.

4. *Multiple Families*⁴

The Committee proposes to simplify the calculation of support obligations in multiple-family situations. The premise of existing Rule 1910.16-5(n) governing multiple child support obligations is that all of the party's children should have equal access to his or her resources. While this may be a laudable goal, the Rule has proven extremely difficult in practice because it requires separate calculations for each family before an order can be established for the children who are the subject of the support action. It does not result in an accurate order, therefore, unless all of the families are present at the same hearing. This is not feasible in many cases, particularly when one or more families reside in different states. Nor does it work well in cases where a pre-existing child support order for other children has already been entered by another county or state and the amount of the order does not conform to the amount which would be theoretically calculated under the Rule.

To address these problems, the Committee proposes to rescind Rule 1910.16-5(n) and to recommend what is commonly described as the "first mortgage, second mortgage" approach. This approach requires a deduction from the party's gross income for any child support being paid pursuant to a pre-existing court order entered on behalf of first born children who are not the subject of the support action. While it gives some priority to these children over later born children, many Committee members felt strongly that a parent should be required to meet his or her obligations to the first family before incurring new ones, and that children from a prior marriage or relationship should be protected from the adverse financial consequences of the parent's decision to remarry or to have more children. Essentially, the second family takes the obligor as they find him or her—with an existing obligation. While it is true that the children of this second family had no choice in the matter, the majority of Committee members felt that these children

¹ See Proposed Rule 1910.16-3.

² See Proposed Rule 1910.16-3.

³ See Proposed Rules 1910.16-2(e)(1) and 1910.16-3.

⁴ See Proposed Rule 1910.16-2(c)(2)—(3).

are entitled only to the standard of living established by their two parents, and not the standard of living that may have existed earlier in the first family.

For many of these same reasons, the Committee also proposes to rescind Rule 1910.16-5(o) relating to multiple spousal support obligations and to recommend deducting from gross income the amount of alimony, spousal support or alimony pendente lite being paid to a prior spouse. Under the existing Rule, second and subsequent spouses do not receive priority over any children, including children born outside of or after the marriage. The Rule provides no guidance on the priority between a first spouse and later children. In examining the stated rationale for (o)—“unlike children who have no choice about the family situation into which they were born, these later spouses had an opportunity to investigate a potential spouse before committing themselves”—the Committee concluded that this rationale did not apply to the first spouse, whose “investigation” before the marriage would not have revealed these children. If, however, this spouse were to receive priority over later children then, for the same reasons, second and subsequent spouses should also receive priority over children born outside of or after their marriages as well.

The proposed approach reorders the priorities in multiple-family situations. First born children subject to a pre-existing order receive priority over later born children and later spouses. A spouse receives priority over later spouses and may receive priority over children born after the marriage. This approach, which is used by the majority of Income Shares states, eliminates the practical problems associated with multiple-family calculations under Rule 1910.16-5(n) and (o). Since it effectively transforms the calculation into an issue of net income, it appears in proposed Rule 1910.16-2(c)(2) and (3) relating to the calculation of net income.

5. Shared Custody⁵

Under the existing guidelines, there is no formula or procedure for deviating from the basic support guideline when custody is shared equally or the non-custodial parent has substantial partial custody. Rule 1910.16-5(m) provides that a non-custodial parent's support obligation should be reduced only if that parent spends “an unusual amount of time with the children.” There have been several decisions rejecting deviation even if the non-custodial parent spends almost 50% of the time with the children. See e.g., *Anzalone v. Anzalone*, 449 Pa. Super. 201, 673 A.2d 377 (1996)(40% of time spent with father was not an unusual amount of time justifying deviation absent evidence of additional expenditures incurred as a result of that time with the child); *Dalton v. Dalton*, 409 Pa. Super. 258, 597 A.2d 1192 (1991) (average of 43% of time was not sufficient to warrant deviation).

The general assumption, however, is that in a case of 50-50 shared custody, there would be some reduction in the support obligation. Courts and hearing officers struggling with this issue have adopted various approaches, some on an ad-hoc basis, with varying degrees of success. While there is no reliable survey of the various methods being used, anecdotal evidence suggests that the most common method for addressing support in shared custody cases is to use the offset method for split or divided custody cases under Rule 1910.16-5(h), which involves determining what each parent would owe if the other parent were the primary custodian and then subtracting the difference. A common additional step is to then divide

that difference in half. While this has the beauty of simplicity, it often produces inequitable, sometimes absurd, results. For example, under the present guidelines, if obligor has net income of \$4,300 per month and obligee has net income of \$2,900 per month, obligor's support obligation for three children is \$1,114 per month. If, however, the parties shared custody 50-50, and support was calculated under the divided custody rule, and then further divided in half, the support payment drops to \$181 per month.

As one can see, an increase in the non-custodial parent's time by as little as 7% (i.e., from 43% to 50%) can result in a reduction in the support obligation by almost 85%. Although not all income scenarios provide an example as stark as this one, in virtually every case the support reduction under this method is out of proportion to the increase in custody time.

The Committee has frequently been asked to provide some kind of guidance for a uniform approach to shared custody cases. The issue, however, is far from simple. Around the country, only 28 states have addressed support obligations in the context of shared custody. Some states are silent (like Pennsylvania has been until now). The states that do address it approach it in many different ways. None of the methods are mathematically simple and some are extremely complex and confusing. All of them produce anomalous results under some income or custody scenarios.

With the assistance of Dr. Williams, the Committee spent considerable time and effort examining seven separate methods. The Committee felt strongly that if there was to be an adjustment to the support obligation for an unusual amount of time spent with the child—for example, beginning at 30% and up to 50% of the time—the method must recognize that the custodial parent continues to incur fixed costs for the child even when the child is with the other parent. The Committee also felt strongly that the method should not create a strong financial incentive for the non-custodial parent to seek shared custody. If there was to be an adjustment, it must be a gradual one that is rationally tied to the gradual increase in time spent with the child and one which does not produce the enormous reduction in support at some point in time. Unfortunately, none of the models met all of these objectives. Some were better at some income levels or income differentials between the parties while others were better under other circumstances. All of them, however, resulted in inconsistencies or anomalies under some scenarios.

The Committee rejected the option of concluding that there was no perfect solution and that the rules should remain unchanged. If at all possible, guidance should be provided for shared custody situations.

The last option, and the one selected for recommendation by the Committee, is not to permit any deviation from the basic support obligation based on the amount of time that each parent spends with the children. This option eliminates the strong financial incentive to seek shared custody. While we considered that this option may also have the opposite effect of discouraging a party from seeking shared custody, even when it may be in the best interests of the children, we concluded that there is little difference between the parent who seeks shared custody in order to reduce the support obligation and the parent who is unwilling to spend more time with the children unless it means a reduction in the support obligation (or the parent who is reluctant to let the children spend more time with the other parent if it means a reduction in the

⁵ See Proposed Rules 1910.16-4(b) and 1910.16-5(c).

support obligation). Financial considerations should not be relevant to a parent's decision to spend more or less time with the children. The proposed approach accomplishes this by removing the financial incentive altogether so that it doesn't factor either way into this decision.

Even in the vast majority of cases in which parties are not motivated by financial incentives, the Committee considered that the amount of time spent with the non-custodial parent, even if substantial, results in little savings to the custodial parent, who continues to incur fixed expenses relating to the children—e.g., housing, furniture, and school-related expenses—even when the children are spending time with the other parent. Conversely, even though the non-custodial parent may incur additional costs as the result of more time spent with the children, many of these costs merely duplicate the costs already being incurred by the custodial parent.

In reaching a determination that there will be no deviation from the basic support obligation, the Committee had to determine who should be the obligor for purposes of support in a 50-50 shared custody situation. The Committee recommends that the obligor be the parent with the higher income so that the total available income is more evenly distributed between the two households. If the parties' incomes are identical, there should be no basic support obligation except in unusual circumstances. In these cases, however, either party may still seek contribution from the other party for any additional expenses incurred on behalf of the children which are typically added to the basic support obligation—e.g., health insurance premiums, child care, private tuition and other expenses that are not built into the basic support amounts set forth in the schedule.

This is a very short synopsis of a very lengthy, difficult and complex analysis. We do not expect this recommendation to be received with unanimous acceptance, but we believe it to be better than the present void. We recognize the possibility that there may be better solutions. The Committee invites comment from the bench and bar and all interested persons. Specific suggestions, formulas, and mathematical models are welcome. Expressions of general dissatisfaction, without more, are also welcome but are not helpful to an ultimate resolution of the problem.

6. Calculation of the Presumptive Minimum Amount of Child Support in High Income Cases⁶

Under the existing guidelines, the presumptive minimum amount of the child support obligation in high income cases is calculated as if the parties' only had \$10,000 combined income. The parties' percentage shares of the obligation are also based on this theoretical income. The Committee proposes to alter the calculation so that the parties' percentage shares are calculated using their actual income rather than theoretical income.

There are several problems with calculating the parties' percentage shares using theoretical rather than actual combined income. For example, in the second illustration which appears in existing Rule 1910.16-5(a), where the obligor and obligee have monthly net incomes of \$15,000 and \$3,000 respectively, the presumptive minimum amount of support of \$2,410 for three children is calculated using only \$8,000 of obligor's income and \$2,000 of obligee's income. The obligor's obligation of \$1,948 is calculated as if his or her percentage share is 80% of \$10,000 when, in reality, his or her percentage share is 83% of \$18,000. This is economically unfair to the obligee

and the three children, and is remedied by using actual combined income to determine the parties' percentage shares.

Another problem with using theoretical income is that the calculation uses only 53% of obligor's actual income (\$8,000 of \$15,000) while using 66% of obligee's monthly income (\$2,000 of \$3,000). This is also unfair to the obligee and the three children, and would be corrected by using all of the parties' income to determine their respective shares.

A third problem is that the income limitation of \$2,000 per month for obligee results in the same presumptive amount of support for a family in which obligee earns only \$2,000 as it does for a family in which the obligee earns substantially more than that, all other things being equal. This is unfair to the obligor and would be remedied as well by using the parties' actual combined income. If, for example, in the above illustration the obligee earned \$9,000 rather than only \$2,000, the obligor's percentage share would be reduced to 62% of \$2,410, which effectively reduces the obligor's obligation to \$1,494.

7. Calculation of Spousal Support⁷

Pursuant to the existing guidelines formula in Rule 1910.16-4, the presumptively correct amount of spousal support or APL is calculated as a straight percentage of the net difference between the parties' incomes (after considering child support). If no children are involved, the percentage is 40%; if children are involved, the percentage is 30%. The Committee has been asked repeatedly to clarify whether this formula is intended to apply to all spousal support and APL cases or whether, in cases where the parties' combined net income exceeds \$15,000 per month, the court may disregard the formula and use a reasonable needs analysis like the one used in *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984) for child support. The issue has received even greater attention recently in light of *Karp v. Karp*, ___ Pa. Super. ___, 686 A.2d 1325 (1996), which analyzed the needs and lifestyle of the parties in fashioning an appropriate APL and child support order, and *Terpak v. Terpak*, ___ Pa. Super. ___, 697 A.2d 1006 (1997), which implicitly approved York County's use of the formula for calculating a spousal support obligation even though the parties' combined income exceeded the guideline amount, and held that a lack of need on the part of the obligee was not a basis for deviation (*Terpak* did not address the obligor's needs because it was not an issue raised in the case).

Neither the existing rules nor the case law provide any authority for going outside of the guidelines formula and using *Melzer* to calculate a spousal support or APL obligation. The Committee considered, however, whether the rules should permit this in cases where the parties' combined income exceeds \$15,000 per month. Ultimately, however, we concluded that drawing a line at this income level, or any income level, would be purely arbitrary. The only reason that a court must shift from the guidelines to *Melzer* in child support cases is because the economic studies underlying the Income Shares model for child support do not, and cannot, consider intact households with combined income beyond \$12,600 per month. There are no statistically significant numbers available for these households to support an extension of the model beyond this income level (inflation allows extension only to \$15,000). In the absence of any comparable model for spousal support based on studies of spousal-related spending in intact households, there is no economic or

⁶ See Proposed Rule 1910.16-2(e)(2).

⁷ See Proposed Rules 1910.16-1(d), 1910.16-3 (formula) and 1910.16-5(b)(8) (deviation).

theoretical basis to warrant the same shift from the guidelines to *Melzer* in spousal support cases when the parties' combined income reaches a certain level.

Of course, it is precisely the lack of any theoretical model for spousal support that has prompted some members of the bench and bar to question the fairness of using a formula which calculates the support obligation as a straight percentage of income. This raises a very different issue altogether, however,—namely, whether the formula should be used at all in any spousal support case. It is not just an issue which affects only high income cases because if, as the theory goes, a flat percentage of income bears no relationship to the parties' actual needs and circumstances, then it would be just as unfair to award it in lower and middle income cases as well. A family's needs and financial resources should be given the same consideration by the court regardless of whether that family has combined income of \$5,000 per month or \$15,000 per month.

The Committee concluded that the formula itself is not inherently unfair because it is used only to establish the presumptively correct amount of spousal support or APL. Proposed Rule 1910.16-1(d) clearly states that the support guidelines create a rebuttable presumption only and must be applied taking into consideration the special needs and obligations of the parties and the deviation factors set forth in Rule 1910.16-5. Any unfairness, therefore, results from the failure to consider unusual factors in arriving at an appropriate amount of support, and not from the use of the formula in establishing a presumptive amount of support.

Although the presumption is always susceptible to becoming the rule itself when mechanically applied without regard to the permitted deviations, this is true of any presumption and merely reflects an erroneous application of the support guidelines. When they are properly applied, they essentially provide a *Melzer*-type model for spousal support and APL. The Committee is not aware of a better model that would not involve an elaborate and complicated restructuring of the support guidelines. The alternative—no formula at all—does not address the existing problem in larger counties which are confronted daily with a large number of these cases. While there appears to be no better solution, the Committee invites comment on ways to improve the guidelines so that there is more meaningful deviation from the presumptive formula in spousal support and APL cases.

The Committee recommends that courts be permitted to consider the length of the marriage as a factor for deviation in spousal support or APL cases. The purpose of this provision is to prevent the perceived unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married. The Committee considered more specific language which would have limited the duration of the support order to a period of one year or less in cases where the parties had been married for less than two years. We ultimately rejected this language as arbitrary and somewhat unrealistic in light of the fact that some divorce proceedings last much longer than two years. We invite comment on this issue as well.

8. *Child Care Expenses*⁸

Current Rule 1910.16-5(i) provides for equal sharing of child care expenses. The Committee proposes to adopt proportionate sharing based on the parties' net incomes so

that child care expenses are divided in the same manner as other expenses which are typically added to the basic support obligation. The proposed Rule also reflects the availability of the Federal child care tax credit which can be claimed by the custodial parent. This credit essentially reduces the total expenses subject to allocation. For tax purposes, the actual credit can range anywhere from 20 to 30 percent depending on the custodial parent's income. For support purposes, the Committee has chosen to simplify the calculation by assuming an average tax credit of 25 percent. Although the court may always look at the actual tax rate that applies in a particular case, it will have very little impact on the overall support award.

The explanatory comment also sets forth the limitations on the use of this credit. First, the credit applies only to the first \$2,400 per year for one child or \$4,800 per year for two or more children. Thus, only child care expenses incurred up to these amounts are reduced by 25%. The remaining child care expenses, if any, are allocated between the parties without adjustment.

Since the tax credit may be taken only against taxes owed, it cannot be used when the custodial parent does not incur sufficient tax liability to fully realize the credit. For this reason, the proposed Rule does not permit any adjustment to child care expenses if the custodial parent's gross income falls below the income thresholds set forth in the Rule.

9. *Health Insurance Premiums*⁹

Current Rule 1910.16-5(b) permits a deduction from gross income of the portion of health insurance premiums benefitting the other party or the children. The Rule provides little incentive for either party to obtain or maintain health insurance coverage for the benefit of the other family members. If the obligor is paying for the insurance, it reduces the basic support award only marginally. If obligee is paying for the insurance, he or she receives virtually no financial credit at all in terms of a higher support award. Given the importance of health insurance coverage, the Committee proposes to maximize the value for the party paying the premium by treating it as an additional expense subject to allocation between the parties in proportion to their net incomes. This more accurately reflects the costs of carrying such insurance and also ensures that the obligee receives some financial credit for carrying the insurance.

The proposed Rule also permits allocation of the entire premium, including the party's portion of the premium, when the insurance benefits the other party or the children. This provides further incentive for parties to obtain health insurance for the benefit of the other party and the children.

10. *Unreimbursed Medical Expenses*¹⁰

The Committee proposes several changes to the treatment of unreimbursed medical expenses. Since the first \$250 per year per child of these expenses is already built into the basic child support obligation reflected in the schedule, only medical expenses which exceed this amount are subject to allocation between the parties as an additional expense to be added to the basic support obligation. The proposed Rule reflects this distinction.

The Committee has also chosen to draw this same distinction with respect to spousal support so that the obligee-spouse is expected to meet the first \$250 per year of his or her own unreimbursed expenses before seeking contribution from the obligor for any additional expenses.

⁸ See Proposed Rule 1910.16-6(a).

⁹ See Proposed Rule 1910.16-6(b).

¹⁰ See Proposed Rule 1910.16-6(c).

To reduce the number of contempt cases involving unreimbursed medical expenses, the Committee proposes further to distinguish between those expenses which are predictable and recurring and those which are not. When the expenses are predictable and recurring, the court may establish a monthly amount for those expenses and add it to the basic support obligation. This permits the monthly amount to be collected more easily through wage attachment. When the expenses are not predictable or recurring, and thus not conducive to routine wage attachment, the court may nonetheless order the defendant to pay his or her percentage share of these expenses.

Finally, the Committee also proposes to amend the definition of "medical expenses" to include insurance co-payments and deductibles, and to include orthodontia and exclude chiropractic services.

HON. MAX BAER,
Chairperson
Domestic Relations Procedural
Rules Committee

[Pa.B. Doc. No. 98-370. Filed for public inspection March 6, 1998, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Amendment to Civil Rules of Procedure and Orphans' Court Rule

And Now, this 18th day of February, 1998, at 1:20 p.m., the Court hereby amends Schuylkill County Civil Rules of Procedure 14 I. D. (2) and 1920.42, and Schuylkill County Orphans' Court Rule 2.4B for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District). These rules shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rules of Civil Procedure

Rule 14. Appeals from Zoning Board and Governmental Agencies.

D. Submission to Court.

2. Upon receiving notice of the return on certiorari, any party may submit the appeal to the court for disposition by praecipe pursuant to Sch.R.C.P. 205.3. The submitting party shall contemporaneously file a brief supporting that party's position and an affidavit of service on all other parties or their counsel. The briefs of all other parties shall be filed within 20 days of such service. If any party believes that the proper consideration of the appeal requires the presentation of additional evidence, that party shall, on or before the date when that party's brief is due, file a written motion, in compliance with Sch.R.C.P. 206A, and shall be accompanied by the praecipe mandated by Sch.R.C.P. 205.3, setting forth specifically the nature of the proposed additional testimony and the reasons why such testimony is necessary for the proper consideration of the appeal.

Rule 1920.42. Affidavit and Decree under Section 3301(c) or 3301(d) of the Divorce Code. (*Amendment to title only*)

Orphans' Court Rules

Rule 2.4B. Audits and Continued Audits.

(a) New accounts shall be called for audit on the first Wednesday of each month, at the time and place advertised pursuant to Sch. Co. O. C. Rule 6.6A.

[Pa.B. Doc. No. 98-371. Filed for public inspection March 6, 1998, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 78—80]

Oil and Gas

The Environmental Quality Board (Board) by this order amends Chapters 78—80 (relating to oil and gas wells; oil and gas conservation; and gas well classification). The amendments to Chapter 78 simplify notification and reporting requirements, clarify requirements for the discharge to land surface of tophole water, and clarify surface casing and cementing procedures. The amendment to Chapter 79 provides consistency with the requirements of Chapter 78. Chapter 80 is deleted since the gas well classification program under the Federal Natural Gas Policy Act of 1978 has been terminated.

This order was adopted by the Board at its meeting of December 16, 1997.

A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final rulemaking.

B. *Contact Persons*

For further information contact James E. Erb, Director, Bureau of Oil and Gas Management, P. O. Box 8765, Rachel Carson State Office Building, Harrisburg, PA 17105-8765, (717) 772-2199, or Kurt Klapkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final rulemaking is available electronically through the Department of Environmental Protection's (Department) Web site (<http://www.dep.state.pa.us>).

C. *Statutory Authority*

The final rulemaking is being made under the authority of section 604 of the Oil and Gas Act (58 P. S. § 601.104), which directs the Board to adopt regulations; section 5 of the Oil and Gas Conservation Law (58 P. S. § 405), which authorizes the Department to promulgate and enforce rules and regulations to effectuate the purposes and intent of that act; section 105 of the Solid Waste Management Act (35 P. S. § 6018.105), which requires the Board to adopt rules and regulations; section 5 of The Clean Streams Law (35 P. S. § 691.5), which authorizes the Department to adopt rules and regulations; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20) which authorizes the Board to adopt regulations necessary for the Department to perform its work.

D. *Background and Purpose*

This final rulemaking is a result of the Department's Regulatory Basics Initiative. The Regulatory Basics Initiative was announced in August 1995 as an overall review of the Department's regulations and policies. The Department solicited public comments in August of 1995 by giving the regulated community, local governments, environmental interests and the general public the opportunity to identify specific regulations and guidance which

were either more stringent than Federal standards, served as barriers to innovation, were obsolete or unnecessary, which imposed costs beyond reasonable environmental benefits, or served as barriers to adopting new environmental technologies, recycling and pollution prevention.

In February, 1996, the Governor executed Executive Order 1996-1 Regulatory Review and Promulgation establishing standards for the development and promulgation of regulations. This final rulemaking meets the requirements of Executive Order 1996-1.

As a result of the request for public comments under the Regulatory Basics Initiative, six commentators submitted 40 comments on the proposed amendments pertaining to the Oil and Gas Program. The Department prepared a comment and response document responding to all comments received. Those comments, plus internal staff review of the regulations, resulted in proposed amendments which were approved by the Board as proposed rulemaking on March 18, 1997.

The proposed rulemaking was published in the *Pennsylvania Bulletin* for public comment on May 3, 1997. The public comment period concluded on June 2, 1997. As discussed in more detail in Section E to this Preamble, the Board received one comment from two commentators. There were no public meetings or hearings.

This final rulemaking has been reviewed by the Oil and Gas Technical Advisory Board (Board) at its July 14, 1997, meeting. The Board developed a written report containing comments at that meeting. That report was presented to the Board as part of the final regulatory package.

E. *Summary of Comments and Responses on the Proposed Rulemaking*

There was only one comment submitted on the proposed amendments during the public comment period. This comment, received from the Pennsylvania Oil and Gas Association (POGAM) and the Independent Regulatory Review Commission (IRRC), related to the proposal to require a vent when plugging a well in a coal area with cement from total depth to the surface. POGAM and IRRC commented that the venting requirements are inconsistent with the general plugging requirements, and that if a well is properly cemented from total depth to the surface, downhole conditions that necessitate the installation of a vent for safety purposes are not present. Upon reconsideration and discussion with the Board, the Department concurred with the comment and retained the existing language in § 78.91(h) (relating to general provisions).

F. *Benefits, Costs and Compliance*

Executive Order 1996-1 requires a cost/benefit analysis of the amendments.

Benefits

The amendments will benefit oil and gas operators by reducing reporting requirements, clarifying technical requirements pertaining to casing and cementing procedures and plugging procedures, providing standards for oil spill prevention that are consistent with Federal requirements, and eliminating outdated and obsolete requirements.

Compliance Cost

The amendments impose no additional compliance costs on the oil and gas operator. The changes to the reporting requirements should decrease compliance costs to oil and gas operators by \$12,500 per year. The Department's costs of administering and enforcing these requirements will not change significantly.

Paperwork Requirements

The amendments will not result in additional forms or reports. Since reports of predrilling surveys and annual monitoring reports for disposal or enhanced recovery wells will only be submitted upon request of the Department, paperwork requirements are being reduced.

G. Sunset Review

These final-form regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Department submitted a copy of these amendments on April 21, 1997, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments, as well as other related documents.

In preparing these final-form regulations, the Department has considered the comments received from IRRC and the public. These comments are addressed in the comment and response document and Section E of this Preamble. The Committees did not provide comments on the proposed rulemaking.

These final-form regulations were deemed approved by the House and Environmental Resources and Energy Committees on January 27, 1998. IRRC met on February 13, 1998, and deemed approved the final-form regulations in accordance with section 5(c) of the Regulatory Review Act.

I. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These final-form regulations do not enlarge the purpose of the proposal published at 27 Pa.B. 2126 (May 3, 1997).

(4) These final-form regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this Preamble.

J. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code. Chapters 78—80, are amended by amending §§ 78.14, 78.52, 78.60, 78.83, 78.123, 78.125 and 79.15; and by deleting §§ 80.1, 80.11, 80.12, 80.21—80.26 and 80.31—80.34 to read as set forth at 27 Pa.B. 2126.

(b) The Chairperson of the Board shall submit this order and 27 Pa.B. 2126 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson shall submit this order and 27 Pa.B. 2126 to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and 27 Pa.B. 2126 and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

JAMES M. SEIF
Chairperson

(Editor's Note: The proposal to amend § 78.91(h) included with the proposed amendments of the Board at 27 Pa.B. 2126 has been withdrawn.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 1185 (February 28, 1998).)

Fiscal Note: Fiscal Note 7-318 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-372. Filed for public inspection March 6, 1998, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 113]

Mass Merchandising of Property and Casualty Insurance

The Insurance Department (Department) hereby deletes §§ 113.51—113.62 (relating to mass merchandising of property and casualty insurance) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P.S. §§ 66, 186, 411 and 412). These regulations were previously promulgated under sections 601 and 621 of The Insurance Department Act of 1921 (40 P.S. §§ 231 and 251); section 354 of The Insurance Company Law of 1921 (40 P.S. § 477b); The Fire, Marine and Inland Marine Rate Regulatory Act (40 P.S. §§ 1221—1238); and The Casualty and Surety Rate Regulatory Act (40 P.S. §§ 1181—1199).

Purpose

The purpose of the deletion of §§ 113.51—113.62, is to eliminate redundant regulations. Adopted in 1971, the regulations were prescribed to prevent abuses in the mass merchandising of property and casualty insurance. The regulations imposed requirements on insurance companies licensed to do business in this Commonwealth, and on their agents, where mass merchandising is used as a method of selling. The regulations required the Department's approval of rates and policies prior to the sale of insurance policies, and required the licensure of agents who sell the policies. The regulations also prohibited specific sales practices. In addition, the regulations required the insurer to give notice to the insured prior to cancellation for nonpayment of premiums, to provide assistance in obtaining other insurance to individuals who are denied insurance under the mass merchandising plan and to maintain statistics. The regulations are no

longer necessary because their requirements merely repeat or duplicate present statutory requirements and are unduly burdensome.

Specifically, these regulations duplicate existing authorities governing the filing of insurance rates and policy forms. The Department has statutory authority to review property and casualty policy rates prior to use under The Fire, Marine and Inland Marine Rate Regulatory Act and The Casualty and Surety Rate Regulatory Act. The Department also has the existing authority to review property and casualty policy forms prior to use under section 354 of The Insurance Company Law of 1921. These regulations also repeat the requirement of agent and broker licensure provided under sections 601 and 621, respectively, of The Insurance Department Act.

Further, the attempt to prevent specific abuses in the mass merchandising of property and casualty insurance is no longer necessary, since the statutory authority to regulate unfair practices in the business of insurance exists under the Unfair Insurance Practices Act (UIPA) (40 P. S. §§ 1171.1—1171.15). The requirement of providing written notice to the insured prior to cancellation for nonpayment of premiums exists under the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. §§ 1008.1—1008.11) known as Act 78 (relating to the cancellation and nonrenewal of private passenger automobile insurance), the act of July 3, 1986 (P. L. 396, No. 86) (40 P. S. §§ 3401—3409) known as Act 86 (relating to commercial property and casualty risks) and section 5(a)(9) of the UIPA (40 P. S. § 1171.5(a)(9)) (relating to owner occupied residential properties and personal property of individuals). Finally, the sections requiring 1) the rendering of assistance to individuals in obtaining insurance is unduly burdensome; and 2) the reporting of statistics is no longer used by the Department.

Statutory Authority

These regulations are being deleted under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929. These regulations were previously promulgated under section 601 and 621 of The Insurance Department Act of 1921; section 354 of The Insurance Company Law of 1921; The Fire, Marine and Inland Marine Rate Regulatory Act; and The Casualty and Surety Rate Regulatory Act.

Comments

Notice of this deletion was published at 27 Pa.B. 1848 (April 12, 1997) as a proposed rulemaking with a 30-day comment period.

No comments were received from the standing committees during the 30-day public comment period. Comments were solicited from the various trade associations representing the insurance industry. Comments were received from the Insurance Federation of Pennsylvania, Inc.

The Insurance Federation of Pennsylvania (IFP)

The IFP expressed support for the deletion of these regulations. They agreed that sections proposed for deletion are either outdated or otherwise covered with the same force and effect in existing laws.

Fiscal Impact

The deletion of these sections will have no fiscal impact. Because of the redundancy of the regulatory provisions to authorizing statutes, the provisions of the regulations remain in effect under the statutes.

Paperwork

The deletion of these sections will have no effect on paperwork requirements.

Affected Parties

The deletion of these sections will affect all insurers who are licensed to sell insurance in this Commonwealth.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking deletes obsolete regulations, no sunset date has been assigned.

Contact Person

Questions and comments concerning this rulemaking may be addressed to Randolph L. Rohrbaugh, Director, Property and Casualty Bureau, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-3044.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of this rulemaking on July 23, 1997, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the rulemaking, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." In compliance with section 5(c) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received. A copy of that material is available to the public upon request.

This rulemaking was deemed approved by the House and Senate Committees on December 8, 1997, in accordance with section 5.1(d) of the Regulatory Review Act. The amendments were deemed approved by IRRC in accordance with section 5(g) of the Regulatory Review Act on December 9, 1997.

Findings

The Insurance Commissioner finds that:

(1) Public notice of intention to adopt this rulemaking has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this rulemaking in the manner provided for in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 113, are amended by deleting §§ 113.51—113.62 to read as set forth at 27 Pa.B. 1848.

(b) The Commissioner shall submit this order and 27 Pa.B. 1848 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 27 Pa.B. 1848 and deposit them with the Legislative Reference Bureau as required by law.

(d) The rulemaking adopted by this order shall take effect June 5, 1998.

M. DIANE KOKEN,
Insurance Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 27 Pa.B. 6878 (December 27, 1997).)

Fiscal Note: Fiscal Note 11-144 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-373. Filed for public inspection March 6, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

[31 PA. CODE CH. 137]

Miscellaneous

The Insurance Department (Department) hereby deletes Chapter 137 (relating to miscellaneous) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 213, 214 and 216 of The Insurance Department Act of 1921 (40 P. S. §§ 51, 52 and 54); and the Casualty and Surety Rate Act (40 P. S. §§ 1181—1199).

Purpose

The purpose of this rulemaking is to delete Chapter 137 to eliminate obsolete regulations. The regulations, adopted in 1971, imposed several requirements on insurance companies licensed to do business in this Commonwealth. The regulations required companies to provide the Department with reports on unsafe products, to provide notification of internal consumer affairs programs and to practice honest advertising of insurance products.

The Department has determined that the requirement to report information on unsafe products is not essential, the requirement has not been enforced, and statutory authority already exists to request this information, if necessary (40 P. S. §§ 323.1—324.13). In addition, the requirement regarding unsafe products duplicates information required to be supplied by manufacturers, retailers and distributors to the Consumer Products Safety Commission of the Federal Government and, thus, need not be routinely collected by an insurance regulator.

The requirement concerning internal consumer affairs programs has also been determined by the Department to be unnecessary. The Department already monitors insurers' handling of consumer complaints through its market conduct examinations and requires compliance with the Unfair Insurance Practices Act (40 P. S. §§ 1171.1—1171.15) and companion regulations, Chapter 146 (relating to unfair insurance practices).

Finally, the requirement that insurers advertise in an honest manner is already a requirement of, and is enforced through section 5 of the Unfair Insurance Practices Act (40 P. S. § 1171.5). Further, advertising is the subject of Chapter 51 (relating to advertising provisions).

Comments

Notice of proposed rulemaking was published at 27 Pa.B. 1850 (April 12, 1997), with a 30-day public comment period. No comments were received from the Legislative standing committees, the Independent Regulatory Review Commission (IRRC) or the general public.

Fiscal Impact

The Department estimates that 4—5 million claims are reviewed by Commonwealth insurers annually. The cost of reviewing these claims for the purpose of identifying unsafe products, as well as the cost of developing a system for retrieving and reporting information, would exceed \$5 million annually. Therefore, the approximate savings of this deletion is estimated to be \$5 million on an annual basis.

Paperwork

The deletion of this chapter will decrease paperwork requirements for the affected parties in that the deletion eliminates unnecessary reporting requirements for the insurance industry.

Affected Parties

The deletion of this chapter will affect all insurers who are licensed to sell insurance in this Commonwealth.

Effectiveness/Sunset Date

The rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*. Because the rulemaking deletes obsolete regulations, no sunset date has been assigned.

Contact Person

Peter Salvatore, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-0636.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 31, 1997, the Department submitted a copy of the notice of proposed rulemaking, published at 27 Pa.B. 1850 to IRRC and to the Chairpersons of the House Committee on Insurance and the Senate Committee on Banking and Insurance for review and comment. In compliance with section 5(b.1) of the Regulatory Review Act, the Department also provided IRRC and the Committees with copies of the comments received, as well as other documentation.

In preparing these final-form regulations, the Department has considered all comments received from IRRC, the Committees and the public. These final-form regulations were deemed approved by the House Committee and the Senate Committee on January 26, 1998. The amendments were deemed approved by IRRC in accordance with section 5(g) of the Regulatory Review Act on January 27, 1998.

Findings

The Insurance Commissioner finds that:

(1) Public notice of intention to delete these regulations as set forth in order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code, §§ 7.1 and 7.2.

(2) The deletion of these regulations in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Insurance Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 137, are amended by deleting §§ 137.2—137.4 to read as set forth at 27 Pa.B. 1850.

(b) The Commissioner shall submit this order and 27 Pa.B. 1850 to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and 27 Pa.B. 1850 and deposit them with the Legislative Reference Bureau as required by law.

(d) The deletion of these regulations as adopted by this order shall take effect upon publication in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 859 (February 14, 1998).)

Fiscal Note: Fiscal Note 11-141 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 98-374. Filed for public inspection March 6, 1998, 9:00 a.m.]

Title 58—RECREATION

STATE ATHLETIC COMMISSION

[58 PA. CODE CH. 21]

HIV Testing

The State Athletic Commission (SAC), on August 25, 1997, adopts final rulemaking to amend § 21.8 (relating to boxers) to require applicants for a professional boxer's or professional kickboxer's license, as part of their annual application for licensure, to submit a report from a licensed medical laboratory or a facility operated by the Department of Health (DOH) indicating that the applicant has tested negative for the Human Immunodeficiency Virus (HIV). The test may not have been initiated more than 60 days prior to the date of application. SAC, by this order, adopts the amendment to § 21.8 to read as set forth in Annex A.

Statutory Authority

SAC's authority to promulgate this amendment is 5 Pa.C.S. §§ 101—2110 (relating to Athletics and Sports Code) (code). In particular, the following sections of the code are applicable to this final rulemaking: section 910(a) (relating to standards for issuance of licenses and permits); section 103(b) (relating to duties of Commission); section 105(8) (relating to powers and duties of Executive Director); section 501 (relating to Medical Advisory Board); section 701 (relating to boxing regulated); section 901 (relating to power of the Commission to issue, withhold, suspend or revoke licenses and permits); and section 912 (relating to applications for licenses and permits).

Background

This amendment is intended to decrease the risk of professional boxers, professional kickboxers, ring personnel and the public of being infected with HIV during professional boxing contests or exhibitions. Professional boxers and professional kickboxers wear minimal clothing and are in constant physical contact with each other. Open wounds and bleeding occur frequently, and body fluids are often sprayed around the ring. The information received by SAC indicates that the risk of contracting

HIV under these circumstances is minimal. By this amendment, however, SAC seeks to further decrease the risk and probability of transmitting HIV at professional boxing events. Contracting HIV is invariably fatal and there is no known cure.

Summary of Comments and Responses on Proposed Rulemaking

Notice of proposed rulemaking was published at 27 Pa. B. 2555 (May 24, 1997). SAC did not receive any public comments during the public comment period which ended on June 23, 1997. SAC received comments from the Independent Regulatory Review Commission (IRRC) on July 23, 1997, which set forth concerns regarding clarity of language in the proposed amendment and which incorporated two sets of comments from: (1) Dr. Steven J. Gluckman, M.D., Director of Infectious Diseases, University of Pennsylvania Medical Center; and (2) Scott Burris, Associate Professor of Law on behalf of the American Civil Liberties Union of Pennsylvania. Responses to these comments are set forth as follows.

1. *Comments of Dr. Steven J. Gluckman, M.D., Director of Infectious Diseases, University of Pennsylvania Medical Center:* Initially, Dr. Gluckman identified some minor drafting errors in the proposed amendment, noting that the preamble to the proposed amendment refers to bodily fluids and the Auto-Immunodeficiency Syndrome (AIDS). Dr. Gluckman provided the correct phrasing and terminology, "body" fluids and the "Acquired Immunodeficiency Syndrome (AIDS)." Dr. Gluckman also noted that this amendment cannot actually protect professional boxers and professional kickboxers from being infected with HIV, as set forth in the preamble, but would merely decrease the risk of infection to participants. SAC acknowledges that the amendment will not absolutely protect participants but will decrease the risk of transmission.

Dr. Gluckman further maintained that because there are no known boxing-related transmissions of HIV and only two known sports transmissions, the money expended to implement the HIV testing program could be better spent on programs to educate teenagers regarding HIV transmission and to support needle exchange programs. He also opined that the logical extension of the testing would be to require HIV testing for other contact sport participants rather than limiting testing to professional boxers and professional kickboxers. Finally, Dr. Gluckman suggested that more money could be saved by the Commonwealth by instituting measures to prevent brain damage in professional boxers.

In reviewing these comments, SAC determined that they dealt primarily with issues outside its jurisdiction. In light of the slight, but real risk of blood-borne HIV transmission in a boxing event, SAC continues to believe that HIV testing for professional boxers and professional kickboxers is appropriate. The risk of blood exposure is greater in boxing than in many other contact sports. SAC has no authority or jurisdiction over other contact sports such as football and has only minimal authority over promoters in professional wrestling.

Additionally, it should also be noted that the costs of mandating HIV testing are minimal. Therefore, contrary to the comments of Dr. Gluckman, the small amount of funding necessary to support the testing program could not support other HIV education programs aimed at teenagers and to support needle exchange programs, programs outside the jurisdiction of SAC.

The minimal fiscal impact can be estimated by assuming that 70% of the 440 licensees (308 individuals) avail

themselves of free DOH tests at \$4 per test. The Department of Health would incur an additional \$1,232 in costs in the first year to provide the testing services. If a test is positive, a confirmation test must be performed at a cost of approximately \$34 per test. DOH statistics reveal approximately 1.5% of initial tests are positive. Consequently, if 308 tests are performed by DOH, approximately five confirmation tests would need to be performed at a total cost of \$170. These costs are minimal and are far outweighed by the benefits in decreasing the risk of participants, ring personnel and the public from being exposed to HIV.

SAC has recognized that education is an important element in helping insure that boxers are able to provide negative HIV test results. Accordingly, SAC assists professional boxers in obtaining information on the risk of contracting HIV outside of the ring. The license application provides the applicant with the option of receiving information regarding the HIV virus. This effort, however, would be supplemented by HIV testing and should not be considered in lieu thereof. Regardless of any educational programs in place, SAC has determined that given the reality and risk of HIV transmission in the boxing ring, this risk can be lessened by requiring a negative HIV test result as a condition for licensure.

Although SAC agrees that it is appropriate to supply information about the transmission of the HIV, SAC rejected the suggestion that it provide pretesting counseling. The Confidentiality of HIV-Related Information Act (35 P. S. §§ 7601—7612) required counseling to be provided by the testing services.

Dr. Gluckman also commented that there are no known boxing related transmissions of HIV and that the proposed amendment is of minimal import. Nevertheless, information received by SAC indicates that the Centers for Disease Control and Prevention have verified the transmission of HIV during a pair of bloody fistfights. See *Transmission of Zidovudine-Resistant HIV during a bloody fight*, *Journal of American Medical Association*, Ippolito, Del Poggio, P. Ariel C. 1994: 272 (G): 433-4. Accordingly, the risk of HIV transmission in the boxing ring through blood contact is a reality. This reality is recognized by most professional boxing licensees.

In response to a survey conducted by SAC in February and April 1996, 90% of licensees indicated concern about the possibility of contracting HIV from another boxer. The risk is also recognized by other boxing commissions. By implementing this final-form regulation, Pennsylvania would join Nevada, New York, New Jersey, Washington, Oregon, Arizona and Puerto Rico in requiring HIV testing of all potential boxers. For the foregoing reasons, SAC concludes that no changes need to be made in the final-form rulemaking in response to the comments of Dr. Gluckman.

2. Comments by the American Civil Liberties Union of Pennsylvania.

Commentators from the American Civil Liberties Union of Pennsylvania (ACLU) asserted that requiring professional boxers to furnish a negative HIV test result as a part of the licensing application violates Title 2 of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12131—12165) and section 504 of the Rehabilitation Act of 1973. The ACLU contends that HIV-positive individuals are protected from discrimination under these statutes and that SAC has not demonstrated that a mandatory test will protect boxers.

The ACLU concluded, under the statutes in the preceding paragraph that the proposed testing is probably

illegal, because the risk of HIV transmission in a boxing contest or exhibition is speculative.

SAC disagrees. Because the risk of HIV transmission does exist in professional boxing contests and exhibitions, mandatory HIV testing for boxers is necessary. The judicial decisions cited by the ACLU in support of their position involve mandated testing for venues other than the boxing ring. With respect to the Federal statutes cited, SAC concludes that they are not violated; the test requirement is imposed because of circumstances unique to professional boxing contests or exhibitions. An HIV-positive boxer cannot perform boxing activities with reasonable accommodations needed to prevent the occurrence of open wounds or the spread of body fluids, as required by the ADA. Permitting such a boxer to participate therefore poses a direct threat to the health and safety of the participants, ring personnel and those in attendance.

SAC believes that the risk of HIV transmission is not as speculative as the ACLU contends. Of all combative sports, the risk of blood exposure is significantly greater in boxing than in any other sport. As noted in the preceding paragraph, the Centers for Disease Control and Prevention have verified the transmission of HIV during a pair of bloody fistfights. Therefore the risk of HIV transmission in the athletic setting by means of blood contact is a reality. Given current medical evidence, the possibility of risk can support mandated testing. SAC contends that mandated testing need not be based upon a certainty of risk. Because the duration and severity of the HIV virus is certain, the duration of the possible risk posed by an HIV positive boxer in the ring is permanent. Because of the severity of harm, testing is appropriate, given the risk of transmission. See *Skoales v. Mercy Health Corporation*, 887 F. Supp. 765 (E.D. Pa. 1994).

This acknowledgment of the high potential risk is echoed in an article entitled *HIV-Infected Competitive Athletes; What are the risks? What precaution should be taken?* *Journal of General Internal Medicine* V. 12 April, 1997, Feller, Alexander and Flainigan, Timothy. The article acknowledges that the highest potential HIV risk in competition involves blood contact of a participant involved in a combative sport. The article also calls into question the ACLU's comment that there is no evidence that HIV infection can affect a boxer's qualifications or ability to participate in a professional boxing match. The profession of boxing is a strenuous sport requiring participants to be in top physical condition as a result of a strenuous exercise regimen. The article notes that the weighable evidence suggests that while moderate exercise may be beneficial "strenuous exercise may not". See p. 244—245. SAC has determined that no change should be made in the final rulemaking in response to the ACLU comments.

3. Comments of IRRC

Two comments regarding the proposed amendment were made by IRRC. The first comment involved the clarity of the proposed rulemaking which appears to omit any provision for a private sector facility to perform an HIV test. Additionally, IRRC noted that the citation to 28 Pa. Code § 15.11 (relating to minimum public health programs) appears to be erroneous.

As noted by IRRC, the citation should be to 28 Pa. Code § 5.11 (relating to permit, requirements, application, and conditions), not 28 Pa. Code § 15.11. Accordingly, the final-form regulation has been amended to reflect the proper citation.

As amended, the final rulemaking provides that a private sector facility can perform an HIV test. This is

because the regulation found at 28 Pa. Code § 5.11 specifically relates to the licensing of private clinical laboratories by the DOH. Given the provisions of 28 Pa. Code § 5.11, the final-form regulation has been altered slightly to clarify that the testing may be conducted by a laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under that section. With the addition of the proper 28 Pa. Code citation, it is clear that tests may now be provided by a DOH facility, a private laboratory possessing a permit under 28 Pa. Code § 5.11 or a private laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under that section.

IRRC commentators also raised the issue of whether SAC should require professional boxers and professional kickboxers to provide negative test results for HIV at times in addition to the annual application for licensure. Times other than licensure could include every 6 months, as originally suggested by DOH or in connection with a boxer's preflight physical examination. IRRC raises this question because of (1) the latency period (of approximately 6 to 8 weeks) after exposure to the HIV virus before a positive test for the HIV antibodies can occur; and (2) the ongoing risk to boxers and others when placed in contact with the blood of the participants. Consequently, IRRC requested SAC to explain its policy position of requiring a boxer to furnish a negative HIV test report only at the time of initial and annual licensing.

In requiring applicants for a professional boxing license and a professional kickboxing license to furnish a negative HIV test report only at the time of initial and annual licensure, SAC attempted to balance the interests of license applicants, current licensees, prospective participants, ring personnel and the public relative to the level of risk of contracting HIV during a boxing event. In light of the concerns expressed by these constituencies as well as those of the American Civil Liberties Union and the DOH, SAC believes that requiring applicants to furnish a negative HIV test report only at the time of initial and annual licensure satisfies these interests. Not to require testing, as urged by the ACLU, would ignore the level of risk of contracting HIV in a boxing competition and would not address legitimate concerns. To require testing more often would inflate the perceived level of risk of contracting the HIV during a boxing competition and would be overly intrusive for licensees and applicants. Requiring testing in connection with a boxer's preflight physical would subject a boxer to an average of four to six tests a year. This testing would be redundant. Additionally, because most preflight physicals are conducted only a few hours before the scheduled bout, test results in most cases would not be available in a timely manner if conducted in conjunction with the preflight physical.

In tying the HIV test to the time of initial and annual licensure, SAC submits that the testing complies with the intent of maintaining the confidentiality of HIV status in accordance with the Confidentiality of HIV-Related Information Act. Under section 910 (relating to standards for issuance of licenses and permits) of the code, 5 Pa.C.S. § 910, SAC is required to consider the best interests and welfare of the public, the preservation of the safety and health of participants and the best interests of boxing generally in determining whether to issue or renew any license. Additionally, the applicant must establish that he is: (1) of good moral character; (2) of good reputation; (3) physically fit and mentally sound; (4) skilled in his profession; (5) of requisite age and experience; and (6) not addicted to the intemperate use of alcohol or to the use of narcotic drugs.

In requiring only an annual or initial test report, SAC recognizes that all provisions of section 910 are applicable. These general and specific standards, combined with the requirement of providing the negative HIV test results, comprise a list of possible reasons why SAC may deny the applicant a license. Therefore, when an applicant is denied a license, the denial could be based upon a variety of reasons. Accordingly, the public could not infer that it was due solely to the applicant having failed to provide a negative HIV test report. Additionally, when an applicant is not able to obtain a negative HIV test report and therefore chooses not to apply for a license, the public could not infer any particular reason why the applicant failed to apply for licensure.

In contrast thereto, if SAC were to require negative HIV test reports to be provided on a regular basis, such as every 6 months, the public could infer that a license revocation 6 months after initial licensure was due solely to the failure to furnish a negative HIV test report. Any license revocation tied to the HIV testing schedule would clearly be based upon the failure to provide negative test results. The revocation would violate the spirit and intent, if not the actual provisions requiring the confidentiality of test results, of the Confidentiality of HIV-Related Information Act. Accordingly, except for the minor changes made to the final-form regulation for clarification purposes, SAC concludes that no additional changes need to be made.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

SAC reviewed this final rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulation addresses a compelling public interest as described in this preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact

Implementation of the final rulemaking will cost DOH approximately \$1,232, based on the assumption that 70% of the 440 licensees (308 individuals) avail themselves of free DOH tests, who would not otherwise go to DOH for a free test, at \$4 per test. If a test is positive, a confirmation test must be performed at a cost of approximately \$34 per test. DOH statistics reveal approximately 1.5% of initial tests are positive. Consequently, if 308 tests are performed by DOH, approximately five confirmation tests would need to be performed at a total cost of \$170. The 308 tests that will be performed for SAC licensees represents about 1.2% of the approximately 26,420 total HIV test performed for calendar year 1995 by DOH.

During the first year of implementation, SAC staff will have to dedicate some additional time to helping licensees adjust to the new requirement. However, SAC does not anticipate adding any staff to implement the amendment. Consequently, the only additional cost is the printing of a one-page form that will accompany the renewal application which will be used to certify that the licensed medical laboratory or DOH facility checked the identity of the licensee before taking the blood sample. The cost to develop and duplicate the form will be less than \$200.

Benefits

Although not all individuals who contract HIV subsequently develop Acquired Immunodeficiency Syndrome (AIDS), the occurrence of AIDS in HIV positive persons is invariably fatal to date. Accordingly, SAC has determined that a risk exists with respect to the possibility of

contracting HIV at a professional boxing or kickboxing match, although SAC was unable to determine the exact probability of an athlete contracting HIV at these events. For those reasons, it is difficult to put a monetary value on preventing HIV-infected licensees from participating in events.

Assuming that an individual who tested positive for HIV has an increased risk of developing AIDS and would therefore require extensive medical treatment, one empirical measure of the benefits of reducing the transmission of HIV is the avoided medical costs of caring for a person with AIDS. DOH reports that it costs private agencies that are funded by the Commonwealth about \$120,000 to care for a patient in the advanced stages of AIDS. Most boxers do not have large annual incomes from boxing or other employment. Therefore, they are likely to require public support for AIDS treatment. Consequently, if this amendment prevents one individual from contracting HIV who then develops AIDS, the savings in medical treatment alone would exceed the cost of administering this regulation over several decades.

A secondary benefit could derive from changes in individuals' behavior. If an applicant who would not otherwise be tested for the virus learns that he has contracted HIV, an individual would then be able to modify his conduct to decrease the probability of infecting other individuals. Increased self-awareness of an HIV-positive individuals' status could benefit the community at large.

Paperwork Requirements

Applicants for annual renewal of a boxing license currently must complete a form that consists of 19 simple questions and is less than one page in length. As a result of this amendment, applicants will be required to attach to the application a one-page laboratory report provided by the laboratory and a form signed by the laboratory indicating that the laboratory confirmed the identity of the applicant before the test was administered. This form will be provided to all applicants along with the annual application form.

Sunset Date

SAC continually monitors the effectiveness of its regulations through communications with the regulated population and input from its medical advisory committee; accordingly, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), SAC submitted a copy of the notice of proposed rulemaking published at 27 Pa. B. 2555 (May 24, 1997), to IRRC and the Chairperson of the House and Senate Committees on State Government for review and comment. In compliance with section 5(b.1), SAC also provided IRRC and the Committees with all comments received, as well as other documentation.

In preparing this final-form regulation, SAC has considered all comments received from IRRC, the Committees, individual Legislators and the public.

This final-form regulation was deemed approved by the House and Senate Committees on November 26, 1997. IRRC met on January 13, 1998, and approved the final-form regulation in accordance with section 5(c) of the Regulatory Review Act.

Contact Person

Further information may be obtained by contacting Gregory Sirb, Executive Director, State Athletic Commission, 16 Pine Street, Harrisburg, PA 17101, (717) 787-5720.

Findings

SAC finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of the proposed rulemaking published at 27 Pa.B. 2555.

(4) This amendment is necessary and appropriate for administration and enforcement of the authorizing acts identified in this preamble.

Order

SAC, acting under its authorizing statutes, orders that:

(a) The regulations of SAC, 58 Pa. Code Chapter 21, are amended by amending § 21.8 to read as set forth in Annex A.

(b) SAC shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) SAC shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

GREGORY SIRB,
Executive Director

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 588 (January 31, 1998).)

Fiscal Note: Fiscal Note 16-13 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART I. STATE ATHLETIC COMMISSION

Subpart B. BOXING

CHAPTER 21. PROFESSIONAL BOXING

§ 21.8. Boxers

(a) Professional boxers shall be licensed by the Commission. The Commission will not license or renew the license of a professional boxer unless the license application is accompanied by a report from a Department of Health facility, a laboratory possessing a permit from the Department of Health under 28 Pa. Code § 5.11 (relating to permit, requirements, application, and conditions), or a report from a laboratory licensed in another jurisdiction that meets the requirements to be issued a permit under 28 Pa. Code § 5.11 and is acceptable to the Commission, which indicates that the applicant has been tested for any virus, antibody, antigen or etiologic agent determined to cause or indicate the presence of human immunodeficiency virus and the results of those tests were negative. The tests shall have been initiated no more

than 60 days prior to the date of filing the application. A boxer whose application for license has been denied has the right to a hearing before the Commission under 2 Pa.C.S. (relating to administrative law and procedure). The applicant shall apply, in writing, to the Commission requesting a hearing at which time the Commission will conduct a hearing within 10 business days from the receipt of the written request.

(b) The Commission will require each professional boxer under contract to appear in a bout under its jurisdiction to be examined and certified by a physician appointed by the Commission to be physically sound before being permitted to engage in the bout. The Commission upon its own initiative as a safety precaution may require a professional boxer under its jurisdiction to undergo a general or an ad hoc physical or mental examination, or both, for the purpose of determining whether or not the boxer is fit to continue actively in the profession of boxing.

(c) Whenever a professional boxer considers himself unable by reason of illness or injury to participate in a bout for which he is under contract within the jurisdiction of the Commission, he, or his manager in his behalf, shall promptly notify both the Commission and the promoter of the event of the alleged condition of the boxer and the boxer shall immediately submit written medical verification to the Commission which may, if it deems fit, require the boxer at his own expense to undergo examination by a physician selected by the Commission for further substantiation of the averment of disability.

(d) A boxer shall be considered to have been knocked out in a bout if he is counted out and he shall incur mandatory suspension of 6 weeks. A boxer shall incur automatic suspension of 30 days if he experiences a technical knockout, subject to reduction in appropriate cases to suspension of not less than 25 days in the discretion of the Commission after medical examination and approval. The victim boxer shall furnish satisfactory medical proof of physical well-being in every case of knockout and technical knockout before he is permitted to box again under the jurisdiction of the Commission. The Commission may suspend a professional boxer who is defeated in five consecutive contests, either within or beyond the jurisdiction of the Commission, pending inquiry by the Commission to determine the physical and mental ability of the boxer to continue safely in the boxing profession.

(e) The Commission will not license as a professional boxer an applicant under 18 years of age and the Commission will require conclusive proof of age of a boxer applying for the first time to be so licensed with the Commonwealth. The Commission will not license as a professional boxer an applicant over 36 years of age except by special action by the Commission.

(f) The Commission will not permit a professional boxer to participate in a bout under its jurisdiction without first having signed with a licensed promoter a properly drafted contract covering the participation. If the boxer is under contract to a manager, the manager is also required to sign the contract unless excused by special action of the Commission. This, does not mean that a boxer is not contractually bound by a commitment made in his behalf by his legally constituted manager even though the boxer may not have personally executed the instrument purporting to commit him.

(g) A boxer under the jurisdiction of the Commission may not be under contract to more than one manager at the same time without express approval of the Commission, and the boxer may not be under contract to more than two managers at the same time. A boxer under the jurisdiction of the Commission may not enter into a contract with a manager or combination of managers whereunder the boxer is obligated to the payment of more than the total of 50% of his earnings under the manager or combination of managers.

(h) A boxer whose manager has been suspended by the Commission or whose suspension in another jurisdiction is recognized by the Commission may box in this Commonwealth independently of his managerial contract at the discretion of the Commission and will be permitted to contract individually under the circumstances and to collect the full amount of a purse or other monies due to him. No part of the sum may be held or reserved for the suspended manager.

(i) Professional boxing contests between boxers under contract to the same manager are prohibited without exception.

(j) The Commission may require either or both of the participants in a professional boxing bout to guarantee appearance or the making of agreed weight, or both, by stipulated monetary forfeit to be posted with the Commission in cash or by certified check by a stated time prior to the bout under appropriate circumstances. The Commission may declare the sum posted by him forfeited in whole or in part if a boxer fails to appear or make the agreed weight and the forfeited amount paid to the Commonwealth or to the opposing boxer or partly to the opposing boxer as the Commission in its discretion will decide.

(k) A professional boxer who fails to appear promptly at the time and place set by the Commission for the official weigh-in for a bout in which he is under contract to participate shall be subject to a disciplinary action the Commission sees fit to impose. A professional boxer who fails to appear for a bout in which he is under contract to participate or refuses to participate in a bout having appeared, shall be eligible for a fine, suspension, revocation of license or any or all of these penalties at the discretion of the Commission.

(l) If either or both of the participants in a professional boxing contest fail to satisfactorily put forth serious effort during the bout or persist in foul tactics in the judgment of the referee, the referee shall stop the bout after reasonable warning, disqualify the offending boxer, award the decision of the boxer making serious effort, if any, and direct that compensation due the offending boxer be impounded by the Commission pending outcome of a hearing which the Commission will arrange on the subject.

(m) Participants in professional boxing bouts under the jurisdiction of the Commission shall be shaven clean except that the Commission may sanction the wearing of closely cropped mustaches or religiously required beards, or both, at its discretion.

[Pa.B. Doc. No. 98-375. Filed for public inspection March 6, 1998, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 135, 139 AND 141]

Bag Limits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its January 13, 1998, meeting, proposed amendments to read as set forth in Annex A.

Amend Chapter 135, Subchapter F, by amending § 135.104 (relating to restrictions on controlled goose hunting areas) by increasing the daily bag limit for Canada geese at Middle Creek Wildlife Management Area to two birds, only in those years when the United States Fish and Wildlife Service closes the regular (fall) Canada goose season in southeastern Pennsylvania.

Amend Chapter 139, (See Seasons and Bag Limits Table) to provide dates for the 1998-1999 hunting license year.

Amend Chapter 141, Subchapter B, by amending § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area) by increasing the daily bag limit for Canada geese at Middle Creek Wildlife Management Area to two birds, only in those years when the United States Fish and Wildlife Service closes the regular (fall) Canada goose season in southeastern Pennsylvania.

These proposed amendments will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposal of these amendments is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

These proposals were made public at the January 13, 1998, meeting of the Commission, and comments on these proposals can be sent to the Executive Director of the Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797 until March 31, 1998.

Proposed amendments to § 139.4

1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission, at its January 13, 1998, meeting proposed changing § 139.4 (relating to seasons and bag limits for the license year) to provide for seasons and bag limits for the 1998-1999 license year. These seasons and bag limits were proposed under the provisions of sections 322(c)(1) and 2102(b)(1) of the code (relating to powers and duties of commission). Notable changes for the 1998-1999 year are a provision which would allow junior hunters to take an antlerless deer during antlered deer season, a provision which would increase the spring turkey bag limit to two and earlier starts for rabbit, pheasant and quail seasons.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to "...fix seasons...and daily, season and possession limits for any species of game or wildlife." Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Populations of rabbits, pheasants and quail are sufficiently abundant to justify extending their seasons and

having a uniform start of small game season. Similarly, it appears that turkey populations are adequate to permit a bag limit of two in the spring. Finally, to encourage junior hunters, the Commission is proposing to permit them to take an antlered deer and an antlerless deer, with the appropriate license, during the antlered deer season.

3. Regulatory Requirements

These proposed seasons and bag limits would establish when and where it is lawful to hunt and trap various game species and place limits on the numbers that can be legally taken.

4. Persons Affected

All persons wishing to hunt and trap in this Commonwealth would be affected by the proposed seasons and bag limits.

5. Cost and Paperwork Requirements

The proposed new seasons and bag limits would not result in any additional cost either to the Commission or to hunters and furtakers.

6. Effective Dates

The proposed amendments would be effective from July 1, 1998, to June 30, 1999.

Proposed amendments to §§ 135.104 and 141.26

1. Introduction

To effectively manage the wildlife resources of this Commonwealth, the Commission at its January 13, 1998 meeting proposed changing §§ 135.104 and 141.26 (relating to restrictions on controlled goose hunting areas; and early Canada goose hunting season on Middle Creek Wildlife Management Area) to allow a two goose bag limit during the early Canada goose season in the controlled area of Middle Creek Wildlife Management Area (MCWMA). This change was proposed under sections 322(c)(1) and 2102(b)(1) of the code.

2. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Section 322 of the code specifically empowers the Commission to fix seasons for any species of game or wildlife. Section 2102(b) of the code mandates that the Commission promulgate regulations relating to seasons and bag limits.

Because of concerns about the migratory populations of Canada geese, the United States Fish and Wildlife Service has closed the regular Canada goose season in most of this Commonwealth. At the same time, the population of resident Canada geese has dramatically increased resulting in numerous nuisance geese complaints. Increasing the early season bag limit in the controlled area of MCWMA should help to decrease the resident population.

3. Regulatory Requirements

The proposed changes would relax current regulatory requirements.

4. Persons Affected

Persons wishing to hunt geese at MCWMA during the early goose season would be affected by the proposed changes.

5. Cost and Paperwork Requirements

The proposed change would not result in any additional cost, either to the Commission or to hunters.

6. *Effective Date*

These proposed changes would be effective on final publication in the *Pennsylvania Bulletin* and would remain in effect until changed by the Commission.

7. *Contact Persons*

For further information on the proposed changes, the contact person is James R. Fagan, Director, Bureau of Law Enforcement, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

DONALD C. MADL,
Executive Director

Fiscal Note: 48-102. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 135. LANDS AND BUILDINGS****Subchapter F. SPECIAL WILDLIFE MANAGEMENT AREAS****§ 135.104. Restrictions on controlled goose hunting areas.**

It is unlawful to:

* * * * *

(9) Take more than one goose per person **except at the Middle Creek Wildlife Management Area where the limit will be two as provided in § 141.26 (relating to early Canada goose hunting season on Middle Creek Wildlife Management Area)**. Duck limits shall conform with Chapter 139 (relating to seasons and bag limits) and 50 CFR Part 20 (relating to migratory bird hunting).

CHAPTER 139. SEASONS AND BAG LIMITS**§ 139.4. Seasons and bag limits for the license year.**

(*Editor's Note:* As part of this proposal, the Commission is proposing to replace the text of § 139.4 as it appears at 58 Pa. Code pages 139-3—139-10, serial pages (229363)—(229370) with the following text. The text of Appendix A and the maps which appear at 58 Pa. Code pages 139-10.1—139-16, serial pages (229371)—(202772) are also proposed to be deleted.)

**1998-1999 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Squirrels—(Combined) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law	Oct. 10	Oct. 12	6	12
Squirrels—(Combined)	Oct. 17	Nov. 28	6	12
	Dec. 26	Feb. 27, 1999		
Ruffed Grouse—Statewide	Oct. 17	Nov. 28	2	4
	Dec. 26	Jan. 23, 1999		
Ruffed Grouse—There is no open season for taking ruffed grouse in that portion of State Game Lands No. 176 in Centre County which is posted "RESEARCH AREA—NO GROUSE HUNTING"				
Rabbits, Cottontail	Oct. 17	Nov. 28	4	8
	Dec. 26	Feb. 27, 1999		
Ringneck Pheasant—Male only	Oct. 17	Nov. 28	2	4
Ringneck Pheasant—Male or female combined when hunting in designated hen shooting area only	Oct. 17	Nov. 28	2	4
	Dec. 26	Jan. 23, 1999		
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all counties except Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Perry, Snyder and York where the season is closed.	Oct. 17	Nov. 28	4	8

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 2, 1999	2	4
Woodchucks (Groundhog)	No closed season except during the antlered and antlerless deer season and until 12 noon daily during the spring gobbler turkey season		Unlimited	
<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Turkey—Male or Female				
Management Areas #1-A, 1-B & 7-B	Oct. 31	Nov. 7	1	1
Management Areas #2, 6, 7-A & 8	Oct. 31	Nov. 14	1	1
Management Areas #3, 4 & 5	Oct. 31	Nov. 21	1	1
Management Area #9-A	Closed to fall turkey hunting			
Management Area #9-B	Nov. 2	Nov. 6	1	1
Turkey (Spring Gobbler) Statewide Bearded Bird only	May 1, 1999	May 29, 1999	1	2

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year. Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.
- (c) Subject to approval by the United States Fish and Wildlife Service, an early and late season for Canada geese will be held as defined in § 141.25.
- (d) There is no open season for taking Woodcock within the boundaries of State Game Land No. 69, located in Randolph, Richmond and Troy Townships in Crawford County, Pennsylvania.

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Field Possession Limit After First Day</i>
Crows (Hunting permitted on Friday, Saturday and Sunday only)	July 3	Nov. 29	Unlimited	
	Dec. 26	Mar. 28, 1999		
Starlings and English Sparrows	No closed season except during the antlered and antlerless deer seasons and until 12 noon daily during the spring gobbler turkey season		Unlimited	

FALCONRY

Squirrels—(Combined)	Sep. 1	Mar. 31, 1999	6	12
Quail	Sep. 1	Mar. 31, 1999	4	8
Ruffed Grouse	Sep. 1	Mar. 31, 1999	2	4
Cottontail Rabbits	Sep. 1	Mar. 31, 1999	4	8
Snowshoe or Varying Hare	Sep. 1	Mar. 31, 1999	2	4
Ringneck Pheasant—Male and Female (Combined)	Sep. 1	Mar. 31, 1999	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

PROPOSED RULEMAKING

DEER

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Deer (Archery), Antlered or Antlerless with the with the appropriate license	Oct. 3 Dec. 26	and Nov. 14 Jan. 9, 1999	1 Per Day	One antlered.** An antlerless deer with each required antlerless license
Deer (Buck), Statewide, Antlered with 2 or more points to an antler or a spike 3 or more inches long	Nov. 30	Dec. 12	1 Per Day	One antlered.**
Deer (Doe) Antlerless (Statewide) Junior License Holders Only with required antlerless license	Nov. 30	Dec. 12	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Statewide)	Dec. 14	Dec. 16	1 Per Day	An antlerless deer with each required antlerless license
Deer (Doe) Antlerless (Presque Isle State Park, Erie County)	Dec. 9	Dec. 11	One antlered deer.** An antlerless deer with each required antlerless license.	
Deer (Muzzleloading Firearms), (Flintlock only) Antlered or Antlerless	Dec. 26	Jan. 9, 1999	1 Per Day	One antlered ** or one antlerless-plus an antlerless deer with each required antlerless license
Deer (Doe) Antlerless Only on those lands designated by the Executive Director as "Deer Damage Areas" and posted with approved signs	Nov. 30	Dec. 12	An antlerless deer with each required antlerless license.	
Deer (Doe) Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Ritchie, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army		An antlerless deer with each required antlerless license.	

**SPECIAL REGULATIONS AREAS
SOUTHEASTERN PENNSYLVANIA AND ALLEGHENY COUNTY**

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Deer (Buck), Antlered	Nov. 30	Dec. 12	One antlered deer.**	
Deer (Doe), Antlerless	Nov. 30 Dec. 26	and Dec. 16 Jan. 9, 1999	An antlerless deer with each required antlerless license.	

BEAR

Bear, any age	Nov. 23	Nov. 25	1	1
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FUR TAKING—TRAPPING

Minks and Muskrats—Statewide	Nov. 21	Jan. 10, 1999		Unlimited
Beaver—Statewide	Dec. 26	Mar. 15, 1999		
Zones 1, 2 & 3 (except Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren and Wayne Counties)			10	20
Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren and Wayne Counties			10	40

<i>Species</i>	<i>First Day</i>	<i>Last Day</i>	<i>Daily Limit</i>	<i>Season Limit</i>
Zone 4 & 5			10	10
Zone 6			6	6
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—Statewide	Oct. 17	Feb. 27, 1999		Unlimited

FUR TAKING—HUNTING

Coyotes—Statewide	No closed season. Coyotes may be taken during the regular antlered and antlerless deer seasons or extensions only by hunters who have a valid deer tag or during the spring gobbler turkey season by hunters who have a valid spring turkey tag and meet fluorescent orange and shot size requirements.		Unlimited
Opossums, Skunks, Weasels—Statewide	No closed season. These species may not be hunted prior to 12 noon during the spring gobbler turkey season.		
Raccoons and Foxes—Statewide	Oct. 17	Feb. 27, 1999	Unlimited

No open seasons on other wild birds or wild mammals.

** Only one antlered deer (buck) may be taken during all seasons of the hunting license year.

APPENDIX A (Reserved)**CHAPTER 141. HUNTING AND TRAPPING****Subchapter B. SMALL GAME****§ 141.26. Early Canada goose hunting season on Middle Creek Wildlife Management Area.**

In lieu of fall season, the following apply:

* * * * *

(3) *Bag limits.* The bag limit in the controlled area of Middle Creek Wildlife Management Area is [**one goose**] **two geese.**

* * * * *

[Pa.B. Doc. No. 98-376. Filed for public inspection March 6, 1998, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Action on Applications

The Department of Banking of the Commonwealth of Pennsylvania, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 24, 1998.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-20-98	Fulton Financial Corporation, Lancaster, to acquire 100% of the voting shares of Keystone Heritage Group, Inc., Lebanon	Lancaster	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-20-98	Farmers Trust Bank, Lebanon, and Lebanon Valley National Bank, Lebanon Surviving Institution—Farmers Trust Bank, Lebanon, with a change in corporate title to Lebanon Valley Farmers Bank	Lebanon	Approved
2-20-98	Fulton Bank Lancaster Lancaster County Purchase of assets/assumption of liabilities of 11 branch offices of Lebanon Valley Farmers Bank, located at: 4807 Jonestown Road Harrisburg Dauphin County 1212 Cocoa Avenue Hershey Dauphin County 2296 South Market Street Elizabethtown Lancaster County 1713 West Main Street Ephrata Lancaster County 922 Columbia Avenue Lancaster Lancaster County 792 New Holland Avenue Lancaster Lancaster County	Lancaster 1195 Manheim Pike Lancaster Lancaster County 38 East Roseville Road Lancaster Lancaster County Route 501 at Newport Road Lititz Lancaster County 201 West Main Street New Holland Lancaster County Route 23 and Summit Drive Silver Spring Lancaster County	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-12-98	Berks County Bank Reading Berks County	601 Penn Street Reading Berks County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-17-98	The Fidelity Deposit & Discount Bank Dunmore Lackawanna County	Clarks Summit State Hospital 1451 Hillside Drive Clarks Summit Lackawanna County (Limited Service Facility)	Opened
2-18-98	First County Bank Doylestown Bucks County	3325 Street Road Bensalem Bucks County	Approved
2-23-98	Union Bank and Trust Company Pottsville Schuylkill County	Redner's Market Route 61 Schuylkill Haven Schuylkill County	Filed
2-23-98	Community Bank and Trust Company Forest City Susquehanna County	125 North State Street Clarks Summit Lackawanna County	Filed

SAVINGS ASSOCIATIONS**Voluntary Dissolutions**

<i>Date</i>	<i>Name of Association</i>	<i>Action</i>
2-18-98	Bellevue Building and Loan Association Upper Darby Delaware County	Articles of Dissolution filed in the Department of State. Corporate existence terminated.

CREDIT UNIONS

No activity.

RICHARD C. RISHEL,
Secretary

[Pa.B. Doc. No. 98-377. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notice of 1997 Annual Performance Report Availability; Consolidated Plan

The Department of Community and Economic Development (Department) makes available for public review, the 1997 Annual Performance Report (APR) for the Commonwealth of Pennsylvania's Consolidated Plan. The 1997 APR reports on activities that were outlined in the Consolidated Plan for Federal fiscal years 1995 through 1999 as well as the Action Plan for 1997. The report describes progress in achieving the Commonwealth's 5-year strategy, including resources made available and activities completed in Federal fiscal year 1997. This report will be submitted to the United States Department of Housing and Urban Development (HUD) by March 31, 1998.

Copies of the draft Annual Performance Report will be available for public comment from March 11, 1998 through March 25, 1998 at the following locations. The final APR will be made available again at the same locations, following approval by HUD.

County Commissioners—A copy will be sent to the Chairperson of each County Board of Commissioners.

The Tri-County Branch of the Pennsylvania Association of the Blind (on audio cassette):

Patricia Summers, Coordinator
Harrisburg, Area Radio Reading Service
1800 N. Second Street
Harrisburg, PA 17102
Telephone: (717) 238-2531

Pennsylvania Department of Community and Economic Development Regional Offices:

Southwest Regional Office
413 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northeast Regional Office
201 Samters Building
101 Penn Avenue
Scranton, PA 18503
(717) 963-4571

Northwest Regional Office
Third Floor, Rothrock Building
121 West 10th Street
Erie, PA 16501
(814) 871-4241

Southeast Regional Office
908 State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130
(215) 560-2256

Northcentral and Southcentral Regional Offices
576 Forum Building
Harrisburg, PA 17120
(717) 787-2412

Pennsylvania's 27 District Libraries:

B. F. Jones Memorial Library, Aliquippa
Allentown Public Library, Allentown
Altoona Area Public Library, Altoona
Centre County Library, Bellefonte
Bethlehem Area Public Library, Bethlehem
Clarion Free Library, Clarion
Conococheague District Library, Chambersburg
Bucks County Free Library, Doylestown
Easton Area Public Library, Easton
Erie County Library, Erie
Dauphin County Library, Harrisburg
Cambria County Library, Johnstown
Lancaster County Library, Lancaster
Delaware County Library, Brookhaven
Monessen Public Library, Monessen
New Castle Public Library, New Castle
Montgomery County-Norristown Public Library, Norristown
Free Library of Philadelphia, Philadelphia
Carnegie Library of Pittsburgh, Pittsburgh
Pottsville Free Public Library, Pottsville
Reading Public Library, Reading
Scranton Public Library, Scranton
Warren Public Library, Warren
Citizens Library, Washington
Chester County Library, Exton
Osterhout Free Library, Wilkes-Barre
James V. Brown Library, Williamsport

Please submit written comments concerning the Annual Performance Report to Aldona Kartorie, Account Manager, Office of Community Development and Housing, Department of Community and Economic Development, 509 Forum Building, Harrisburg, PA 17120, fax (717) 234-4560. Written comments must be received by March 25, 1998.

Anyone with a hearing disability who wishes to review the Annual Performance Report should notify the Department and accommodations will be made. Text Telephone (TT) calls can be placed through the Pennsylvania Relay System at (800) 654-5984. Calls will be relayed to the Department's number listed above.

SAMUEL A. MCCULLOUGH,
Secretary

[Pa.B. Doc. No. 98-378. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Preproposal Conference/Funding Workshop

The Department of Education (Department), Bureau of Community and Student Services, will conduct a preproposal conference/funding workshop on Monday, March 16, 1998, to review funding priorities and application procedures for the following grant programs:

<i>Grant Program</i>	<i>Eligible Applicants</i>
Safe Schools-Violence Prevention	School Districts
Pregnant & Parenting Teen	School Districts, Intermediate Units & Area Vocational-Technical Schools
Teen Parent/Single Parent	School Districts, Intermediate Units & Area Vocational-Technical Schools
ELECT—Education Leading to Employment and Career Training	School Districts, Intermediate Units & Area Vocational-Technical Schools
Education Mentoring*	Non-Profit Community-based Organizations

* The Education Mentoring Initiative, a component of the interagency Project for Community Building, will be discussed, however, the new application guidelines are not expected to be issued until a later date.

Grant applications for 1998-99, with the exception of the application for Education Mentoring, will be distributed at the preproposal conference/funding workshop. Attendance at this meeting is not a prerequisite for application for these grant programs. In addition to morning sessions on the purpose, program requirements, performance expectations and application procedures for these grant programs, afternoon workshops will be held on grant writing, program evaluation and development of measurable program outcomes.

Organizations interested in being placed on the mailing list to receive copies of the grant application guidelines for any of these programs may call the Bureau of Community & Student Services at (717) 783-3755. The guidelines will also be available through the Commonwealth of Pennsylvania-Department of Education Internet web site at (<http://www.state.pa.us>).

The preproposal conference/funding workshop will be held at the Radisson Penn Harris Hotel and Convention Center in Camp Hill, PA. The preproposal conference/funding workshop will begin at 9 a.m. Registration is from 8:30 to 9 a.m.

Attendees wishing to stay overnight may make arrangements with the Radisson Hotel directly by calling (717) 763-7117 or (800) 333-3333. All costs associated with attending this meeting are the responsibility of attendees.

Preregistration is required. Contact the Center for Schools and Communities at (717) 763-1661 to register or for additional information.

EUGENE W. HICKOK,
Secretary

[Pa.B. Doc. No. 98-379. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

APPLICATIONS RECEIVED UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The following parties have applied for an NPDES permit to discharge controlled wastewaters into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain effluent limitations and special conditions. These proposed determinations are tentative.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.6E.

Persons wishing to comment on the proposed permit are invited to submit a statement to the Field Office indicated as the office responsible, within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Field Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Field Office considers the public response significant.

Following the 30-day comment period, the Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, proposed effluent limitations and special conditions, comments received and other information are on file and may be inspected and arrangements made for copying at the Field Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Applications for National Pollutant Discharge Elimination System (NPDES) permit to discharge to State waters.

Southeast Regional Office: Regional Manager, Water Management, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-6130.

PA 0013285. Industrial waste, **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This application is for renewal of an NPDES permit to discharge industrial waste from a water filtration plant in Schuylkill Township, **Chester County**. This is an existing discharge to Pickering Creek.

The receiving stream is classified for the following uses: warm water fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 002, based on an average flow of 2.1 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		40	50
Total Suspended Solids		60	75
pH	within limits of 6.0—9.0 standard units at all times		
Total Iron		4.0	5.0
Total Aluminum		8.0	10.0
Total Manganese		4.0	5.0
Total Residual Chlorine	.5	1.0	1.2

The proposed effluent limits for Outfall 003 and 004, used in emergency situations only, and consisting of finished water are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.0		1.0

The proposed effluent limits for Outfall 005, a 16-inch wastewater tank discharge occurring when the wastewater tank is to be inspected is as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.0		1.0

The proposed effluent limits for Outfall 006, a 6-inch high lift station drain occurring on an as-needed basis is as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	1.0		1.0

The proposed effluent limits for Outfall 007, 008, 009 shall consist solely of groundwater.

Other Conditions:

The EPA waiver is in effect.

PA 0051438. Industrial waste, **Westlake Plastics Company**, P. O. Box 127, Lenni, PA 19052.

This application is for renewal of an NPDES permit to discharge cooling water from a thermoplastic extrusion manufacturing facility in Chester Heights Borough, **Delaware County**. This is an existing discharge to Chester Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 50 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Suspended Solids	30	60	75
Oil and Grease	15		30
Temperature			110°
pH	within limits of 6.0—9.0 standard units at all times		

Other Conditions

The EPA waiver is in effect.

PA 0054607. Sewage, **Michael and Debra Dell'Orefice**, 65 Willits Way, Glen Mills, PA 19342.

This application is for renewal of an NPDES permit to discharge treated sewage from a single residence STP in Concord Township, **Delaware County**. This is an existing swale discharge to an Unnamed Tributary to Green Creek.

The receiving stream is classified for the following uses: trout stocking fishery, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 400 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	10	20
Ammonia (as N)		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	monitor/report	monitor/report
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	within limits of 6.0—9.0 standard units at all times	

The EPA waiver is in effect.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.

PA 0008869. Industrial waste, SIC: 2621, **P. H. Glatfelter Company**, 228 South Main Street, Spring Grove, PA 17362-0500.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to Codorus Creek in Spring Grove Borough, **York County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. The discharge is not expected to impact any potable water supply.

A. *Outfall 001* receives wastewater from production of pulp and paper by bleach kraft process and from secondary treated municipal wastewater.

Discharge Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report	report	XXX	XXX	XXX
pH	XXX	XXX	6.0—9.0 standard units at all times		
D. O. (minimum)	XXX	XXX	5 mg/l at all times		
CBOD ₅					
(5-1 to 10-31)	1,168	2,335	monitor	20	30
(11-1 to 4-30)	1,751	3,503	monitor	25	35
Total Suspended Solids	3,000	6,000	monitor	60	90
NH ₃ -N					
(5-1 to 10-31)	XXX	XXX	1.5	3.0	3.8
(11-1 to 4-30)	XXX	XXX	2.0	4.0	5.0
Color (Pt-Co)					
(Route 116 Bridge)	XXX	XXX		monitor and report	
(Effluent) (Final)	XXX	XXX	85	170	212
(Downstream)	XXX	XXX	225	375	200 annual avg
Temperature					
(Route 116 Bridge)	XXX	XXX		varies each month	
(Effluent)	XXX	XXX		monitor and report	
(Downstream)	XXX	XXX		varies each month	
AOX	1,480	969		monitor and report	
Total Phosphorus	XXX	XXX	2	4	5
Dioxin 2,3,7,8-TCDD	XXX	XXX	XXX	0.01 pg/l	XXX
Furan 2,3,7,8-TCDF	XXX	XXX		monitor and report	
Aldrin	XXX	XXX		monitor and report	
4,4'DDE	XXX	XXX		monitor and report	
Chloroform	XXX	XXX		monitor and report	
COD	XXX	XXX		monitor and report	
WETT	XXX	XXX		monitor and report	

B. *Outfall 002* receives wastewater from noncontact cooling water.

Discharge Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	report	report	XXX	XXX	XXX
Temperature					
(Upstream)	XXX	XXX		monitor and report	
(Effluent)	XXX	XXX		monitor and report	
(Rt. 116 Bridge)	XXX	XXX		varies each month	
pH	XXX	XXX	6.0—9.0 standard units at all times		
Total Residual Chlorine	XXX	XXX		monitor and report	
CBOD ₅	XXX	XXX		monitor and report	
Total Suspended Solids	XXX	XXX		monitor and report	
Streamflow at Gage (cfs)					
(5-1 to 10-31)	21.3 min 7-day avg	monitor and report mini- mum daily		XXX	
(11-1 to 4-30)	15.8 min 7-day avg	monitor and report mini- mum daily		XXX	
Streamflow at Gage (cfs)	16.4 annual average	XXX		XXX	

C. *Outfall 101*, Internal Monitoring Point—Bleach Plant Effluent.

Discharge Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Chloroform	10.77	6.44	monitor	monitor	XXX
2,3,7,8-TCDD	XXX	XXX	XXX	<ML	XXX
2,3,7,8-TCDF	XXX	XXX	XXX	31.9 pg/l	XXX
Trichlorosyringol	XXX	XXX	XXX	<ML	XXX

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Discharge Limitations</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
3,4,5-trichlorocatechol	XXX	XXX	XXX	<ML	XXX
3,4,6-trichlorocatechol	XXX	XXX	XXX	<ML	XXX
Tetrachlorocatechol	XXX	XXX	XXX	<ML	XXX
3,4,5-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
3,4,6-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
4,5,6-trichloroguaiacol	XXX	XXX	XXX	<ML	XXX
Tetrachloroguaiacol	XXX	XXX	XXX	<ML	XXX
2,4,5-trichlorophenol	XXX	XXX	XXX	<ML	XXX
2,4,6-trichlorophenol	XXX	XXX	XXX	<ML	XXX
2,3,4,6-tetrachlorophenol	XXX	XXX	XXX	<ML	XXX
Pentachlorophenol	XXX	XXX	XXX	<ML	XXX
COD	XXX	XXX	monitor	monitor	XXX
AOX	XXX	XXX	monitor	monitor	XXX
Flow (mgd)	monitor	monitor	XXX	XXX	XXX

D. *Stormwater Outfalls SW1 through SW46* shall be monitored for the following parameters:

<i>Discharge Parameters</i>	<i>Monitoring Requirements</i>	
	<i>Composite Sample (mg/l)</i>	<i>Grab Sample (mg/l)</i>
BOD ₅	monitor and report	monitor and report
COD	monitor and report	monitor and report
Oil and Grease	monitor and report	monitor and report
pH (s. u.)	monitor and report	monitor and report
Total Suspended Solids	monitor and report	monitor and report
Total Phosphorus	monitor and report	monitor and report
Total Kjeldahl Nitrogen	monitor and report	monitor and report
Total Iron	monitor and report	monitor and report

In addition to the above effluent limitations, the permit requires the following:

1. Augmentation of the streamflow to maintain winter, summer and annual flows of 15.8, 21.3 and 16.4 cfs at the USGS Gaging Station.
2. Chronic Whole Effluent Toxicity Testing of Outfall 001.
3. Control of any Chemical Additives to prevent environment problem.
4. Completion of a new 316(a) study (fish and macroinvertebrates) to demonstrate the impact of the existing heat discharges on the Codorus Creek and recommend reductions, if necessary.
5. Continue to reduce color discharge to comply with the EPA "Cluster Rule" and the Amended Consent Adjudication with the Department.
6. A solids, odor and sediment bioassay study to assess impact of the discharge on the Codorus Creek.
7. Sampling of parameters found by the EPA during development of the "Cluster Rule" at a predefined detection limit.
8. Implementation of Best Management Practices to comply with the "Cluster Rule."

Public Hearing

The Department of Environmental Protection (Department) has postponed the public hearing to receive testimony and comments on the second draft of a water permit for the P. H. Glatfelter Company in Spring Grove, York County. The hearing will now be held on Thursday, April 23, 1998, at the North Codorus Township Fire Hall in Spring Grove, PA beginning at 7 p.m. The pending application is for the renewal of an existing NPDES permit, which entails an industrial wastewater discharge, a noncontact cooling water discharge and multiple stormwater discharges in the Codorus Creek.

Persons intending to testify at the hearing should contact Susan Frank, Community Relations Coordinator, (717) 541-7969 on or before April 17, 1998. Persons who have already submitted a request to participate in the February 26 hearing, will automatically be on the list to testify at the April 23 hearing. Persons unable to attend the hearing may submit written testimony before May 14 to Susan Frank at One Ararat Boulevard, Harrisburg, PA 17110.

All testimony should be to the point. Each individual will have up to 10 minutes for their presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

An appointment may be scheduled to review the permit application at the Southcentral Regional Office in Harrisburg by contacting Mary DiSanto at (717) 540-5018 between the hours of 8 a.m. and 4 p.m., Monday through Friday. The permit application is also available for review in the Spring Grove Borough Office and the Glatfelter Memorial Library during regular hours of operation.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the Department for assistance. TDD users may use the AT&T Relay Service at 1 (800) 654-5984.

PA 0085561. Industrial waste, SIC: 4951, **Wissahickon Spring Water, Inc.**, 10447 Drummond Road, Philadelphia, PA 19154.

This application is for renewal of an NPDES permit for an existing discharge of treated industrial waste to an unnamed tributary to Chickies Creek, in Rapho Township, **Lancaster County**.

The receiving stream is classified for warm water fishery, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply intake considered during the evaluation was Columbia Borough Water Company located in Columbia Borough, Lancaster County. The discharge is not expected to impact any potable water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.022 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		monitor and report	
Temperature		monitor and report	
pH		6—9	

The EPA waiver is in effect.

PA 0021563. Sewage, SIC: 4952, **Gettysburg Municipal Authority**, 601 East Middle Street, P. O. Box 3307, Gettysburg, PA 17325-3307.

This application is for renewal and expansion of an NPDES permit for an existing discharge of treated sewage to Rock Creek, in Cumberland Township, **Adams County**.

The receiving stream is classified for warm water fish, recreation, water supply and aquatic life. For the purpose of evaluating effluent requirements the existing downstream potable water supply intake considered during the evaluation was the City of Frederick, MD located on the Monocacy River. The discharge is not expected to impact any potable water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 2.1 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.3	XXX	4.6
(11-1 to 4-30)	6.9	XXX	13.8
Total Phosphorus	1.0	XXX	2.0
Total Residual Chlorine	monitor and report	XXX	monitor and report
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 2.45 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.0	XXX	4.0
(11-1 to 4-30)	6.0	XXX	12.0
Total Phosphorus	1.0	XXX	2.0
Dissolved Oxygen		minimum of 5.0 at all times	
pH		from 6.0—9.0 inclusive	
Fecal Coliforms			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The EPA waiver is not in effect.

Northcentral Region: Environmental Program Manager, Water Management, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 327-3666.

PA 0112950. SIC: 4952, **Coastal Mart, Inc.**, P. O. Box 1000, Westville, NJ 08093.

This proposed action is for reissuance of an NPDES permit for an existing discharge of treated sewage to Fidlers Run in Mahanoy Township, **Northumberland County**.

The receiving stream is classified for the following uses: warm water fishery and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Dauphin Consolidated Water Company on the Susquehanna River, 34 miles below the discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0012 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	2	4.6
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a geometric average	
(10-1 to 4-30)	200/100 ml as a geometric average	
pH	6.0—9.0 at all times	

Other Conditions: none.

The EPA waiver is in effect.

PA 0027171. Sewerage, SIC: 4952, **The Municipal Authority of the Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815.

This proposed action is for amendment of an NPDES permit for an existing discharge of treated sewage wastewater to Susquehanna River in Town of Bloomsburg, **Columbia County**.

The receiving stream is classified for the following uses: warm water fishes, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Danville Municipal Authority located at Danville.

The proposed effluent limits for Outfall 001, based on a design flow of 4.29 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
TSS	30	45	60
Total Cl ₂ Residual	0.69		4.1
Fecal Coliforms			
(5-1 to 9-30)	200 col/100 ml as a geometric mean		
(10-1 to 4-30)	2,000 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is not in effect.

PA 0112381. Sewerage, SIC: 4952, **Columbia Investment Corporation**, 6009 New Berwick Highway, Bloomsburg, PA 17815.

This proposed action is for renewal of an NPDES permit for an existing discharge of treated sewage wastewater to an unnamed tributary to Little Fishing Creek in Madison Township, **Columbia County**.

The receiving stream is classified for the following uses: cold water fishery, aquatic life, water supply and recreation. For the purposes of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing downstream potable water supply (PWS) considered during the evaluation is Bloomsburg Water Company located approximately 6 river miles downstream.

The proposed effluent limits for Outfall 001, based on a design flow of 0.0045 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25		50
TSS	30		60
Total Cl ₂ Residual	2.0		4.6
Fecal Coliforms	200 col/100 ml as a geometric mean		
pH	6.0—9.0 at all times		

The EPA waiver is in effect.

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

PA 0003255. Industrial waste, SIC, **Latrobe Steel Company**, 2626 South Ligonier Street, Latrobe, PA 15650.

This application is for amendment of an NPDES permit to discharge process water, cooling water, stormwater and leachate from steel making operations in Latrobe Borough, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Loyalhanna Creek classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply (PWS) is the Freeport Water Company, located at Freeport, 35 miles below the discharge point.

Outfall 006: new discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This outfall shall consist of uncontaminated stormwater runoff only					

The EPA waiver is in effect.

PA 0205915. Sewage, **Borough of Dayton**, P. O. Box 396, Dayton, PA 16222.

This application is for renewal of an NPDES permit to discharge treated sewage from the Dayton Borough Sewage Treatment Plant in Dayton Borough, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Glade Run, which are classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Armstrong Power Station on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.1 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅				
(5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3	4.5		6
(11-1 to 4-30)	9	13.5		18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine				
(1st month—36th month)	monitor and report			
(37th month—expiration)	0.3			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0217816. Sewage, **Terry and Regina Lambie**, R. D. 2, Dunbar, PA 15431.

This application is for issuance of an NPDES permit to discharge treated sewage from Sunny Dale Gardens Mobile Home Park STP in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Tributary of Jacobs Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority.

Outfall 001: new discharge, design flow of 0.026 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.36			
				.85

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA 0042587. Sewage, **MLM Enterprises**, 12 North Jefferson Avenue, Canonsburg, PA 15317.

This application is for renewal of an NPDES permit to discharge treated sewage from MLM Enterprises Sewage Treatment Plant in North Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as unnamed tributary of Little Chartiers Creek, which are classified as a high quality warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Water Authority, located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3			6
(11-1 to 4-30)	9			18
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Regional Office: Regional Manager, Water Management, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6942.

PA 0033073. Sewage, **Pennsylvania Department of Transportation**, PennDOT Rest Stop No. 26 Westbound, Bureau of Design, HQAD, P. O. Box 3161, Harrisburg, PA 17105-3161.

This application is for renewal of an NPDES permit to discharge sewage to Five Mile Run in Washington Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Hawthorn Water Authority on Redbank Creek located at River Mile 25.55, approximately 31.01 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.009000 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitoring only	
CBOD ₅	25		50
TSS	30		60
Ammonia-Nitrogen			
(5-1 to 10-31)	5.5		11.0
(11-1 to 4-30)	16.5		33.0
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	8,000/100 ml as a geometric average		
Total Residual Chlorine	0.8		1.9
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

PA 0033049. Sewage, **Pennsylvania Department of Transportation**, PennDOT Rest Stop No. 25 Eastbound, Bureau of Design, HQAD, P. O. Box 3161, Harrisburg, PA 17105-3161.

This application is for renewal of an NPDES permit to discharge sewage to Five Mile Run in Pine Creek Township, **Jefferson County**. This is an existing discharge.

The receiving water is classified for the following uses: cold water fishes, aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the existing/proposed downstream potable water supply considered during the evaluation is the Hawthorn Water Authority on Redbank Creek located at River Mile 25.55, approximately 30.4 miles below point of discharge.

The proposed discharge limits for Outfall 001, based on a design flow of 0.009000 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow		monitoring only	
CBOD ₅	25		50
TSS	30		60
Ammonia-Nitrogen (5-1 to 10-31)	9.5		19.5
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Total Residual Chlorine	0.8		1.9
pH		6.0—9.0 at all times	

The EPA waiver is in effect.

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

Applications under the Pennsylvania Clean Streams Law

(Part II Permits)

The following permit applications and requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons objecting on the grounds of public or private interest to the approval of an application or submitted plan may file a written protest with the Department at the address indicated above each permit application or plan. Each written protest should contain the following: name, address and telephone number; identification of the plan or application to which the protest is addressed; and a concise statement in sufficient detail to inform the Department of the exact basis of the protest and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to any given protest or protests. Each commentator will be notified in writing of the time and place if a hearing or conference concerning the plan, action or application to which the protest relates is held. To insure consideration by the Department prior to final action on permit applications and proposed plans, initial protests and additions or amendments to protests already filed should be filed within 15 calendar days from the date of this issue of the *Pennsylvania Bulletin*. A copy of each permit application and proposed plan is on file in the office indicated and is open to public inspection.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact the Secretary to the Board at (717) 787-3483. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Industrial waste and sewerage applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

A. 5698401. Sewerage. **PennCoal, Inc.**, 214 College Park Plaza, Johnstown, PA 15904. Application for the construction and operation of a package sewage treatment plant located in the Township of Jenner, **Somerset County** to serve the Sarah Mine.

A. 6597407. Sewerage. **Seward/St. Clair Township Sanitary Authority**, Box 494, Seward, PA 15954. Application for the construction and operation of a sanitary collection and treatment system including a sewage treatment plant to serve various locations in Seward Borough and St. Clair Township, **Westmoreland County**.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

A. 6598402. Sewerage. **Numis Corporation/Hamill Manufacturing Company**, 500 Pleasant Valley Road, Trafford, PA 15085. Application for the construction and operation of a small flow sewage treatment plant located in the Township of Penn, **Westmoreland County**.

A. 6598403. Sewerage. **Roger Alms, Summit Hospitality Group Services, Inc.**, Days Inn at Donegal, Route 31, Donegal, PA 15628. Application for the construction and operation of a sewage treatment plant located in the Township of Donegal, **Westmoreland County** to serve the Days Inn at Donegal.

Northwest Regional Office: Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 3398201. Industrial waste. **TA Operating Corporation, Truckstops of America-Brookville**, 24601 Center Ridge Road, Suite 200, Westlake, OH 44114-2375. This project is for the modification of current wastewater treatment systems and installation of stormwater treatment equipment in Brookville, **Jefferson County**.

WQM Permit No. 4398407. Sewage. **Mrs. Ronald K. Callahan, SRSTP**, 565 Mercer Rd., Greenville, PA 16125. This project is for the construction of a single residence sewage treatment plant in Hempfield Township, **Mercer County**.

WQM Permit No. 4398408. Sewage, **Frank Giordano, c/o Rod McClelland**, SRSTP, 101 Beaver St., Mercer, PA 16137. This project is for the construction of a single residence sewage treatment plant in Lake Township, **Mercer County**.

INDIVIDUAL PERMITS

(PAS)

The following parties have applied for an NPDES permit to discharge stormwater from a proposed construction activity into the surface waters of this Commonwealth. Unless otherwise indicated on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit and special conditions. These proposed determinations are tentative. Limitations are provided in the permit as erosion and sedimentation control measures and facilities which restrict the rate and quantity of sediment discharge.

Where indicated, the EPA, Region III, Regional Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the Regional Office or County Conservation District Office indicated as the responsible office, within 30 days from the date of this public notice. A copy of the written comments should be sent to the County Conservation District Office. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 30-day comment period, the Water Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sedimentation control plan for the construction activity, are on file and may be inspected at the County Conservation District Office or the Department's Regional Office indicated above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Northeast Regional Office: Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Monroe County Conservation District, District Manager, 8050 Running Valley Road, Stroudsburg, PA 18360, (717) 629-3060.

NPDES Permit PAS105063. Stormwater. **Pocono Commons, Pocono Commons Associates. L.L.C., c/o Gene Bushyeager**, 1765 Merriman Rd., Akron, OH 44313

has applied to discharge stormwater from a construction activity located in Stroud Township, **Monroe County**, to Pocono Creek.

Southcentral Regional Office: Regional Water Management Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4590.

Berks County Conservation District, District Manager, P. O. Box 520, 1238 County Welfare Road, Leesport, PA 19533, (610) 372-4657.

NPDES Permit PAS-10-C036. Stormwater. **Wagner Farm Development, Inc., Robert Redcay**, 2229 Creekhill Road, Lancaster, PA 17601 has applied to discharge stormwater from a construction activity located in Spring Township and Sinking Spring Borough, **Berks County**, to Cacoosing and Tulpehocken Creeks and the Schuylkill River.

SAFE DRINKING WATER

Applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Bureau of Water Supply Management, Division of Drinking Water Management, 400 Market Street, Harrisburg, PA 17105. Contact: Godfrey C. Maduka, (717) 787-9037.

A. 9996456. Readington Farms, Inc., 12 Mill Road, Whitehouse (Readington Township), NJ 08888-0164, Donald K. Merrigan, President. Applicant requests Department approval to sell bottled water in Pennsylvania under the brand names: ShopRite Natural Spring Water and PriceRite Natural Spring Water.

Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

A. 0998501. Public water supply. **Delaware Valley College of Science & Agriculture**, 700 East Butler Avenue. This proposal involves the installation of corrosion control treatment to the water supply of Delaware Valley College consisting of caustic soda and ortho/polyphosphate in Doylestown Township, **Bucks County**.

A. 4698501. Public water supply. **Evansburg Water Company**, Charles Mruskovic, 385 Bridge Street, Collegeville, PA 19462. This proposal involves the installation of an air stripper and a clearwell, pump and controls for the removal of TCE at existing Well No. 103 in Lower Providence Township, **Montgomery County**.

Northeast Regional Office, Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

3598501. Public water supply. **PA American Water Company**, David Kaufman, Operations Manager, 20 E. Union Street, Wilkes-Barre, PA 18701. This proposal involves the construction of a booster pump station to provide service to the Montage/Glenmaura Corporate Center. It is located in Moosic Borough, **Lackawanna County**.

Engineer: David Kaufman, PA American Water Company.

4598501. Public water supply. **Stroudsburg Municipal Authority**, Kenneth Brown, Manager, P. O. Box 237, 410 Stokes Avenue, East Stroudsburg, PA 18301. This proposal involves the construction of approximately 8 miles of 12-inch DI pipe waterline extension along Route 447 and 611 in Stroud Township, a new pumping station,

0.75 mg storage tank and an interconnection with East Stroudsburg. It is located in Stroud Township, **Monroe County**.

Engineer: Max E. Stoner, P.E., Glace Associates, Inc., 3705 Trindle Rd., Camp Hill, PA 17011.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 1

Acknowledgment of Notices of Intent to Remediate submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302 and 303 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate identifies a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background or Statewide health standard to remediate a site must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department must provide a brief description of the location of the site, a list of known contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of the cleanup standards identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department and shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

For further information concerning the content of a Notice of Intent to Remediate, contact the Department's Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northcentral Regional Office, Environmental Cleanup Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (717) 321-6525.

Friedman's Express—Bloomsburg Truck Terminal, Town of Bloomsburg, **Columbia County.** Dean C. Seman, on behalf of his client Friedman's Express, 475 South Franklin Street, Wilkes-Barre, PA has submitted a Notice of Intent to Remediate soil and groundwater contaminated with BTEX. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Press Enterprises* on February 3, 1998.

SOLID AND HAZARDOUS WASTE OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

A. 100592. USA South Hill Landfill Inc., 3100 Hill Road, Library, PA 15129. Application for a major permit modification to expand the middle area of a landfill located in South Park/Union Townships, **Allegheny/Washington Counties**, was received in the Regional Office on February 17, 1998.

AIR POLLUTION

OPERATING PERMITS

Operating Permit applications received under the Air Pollution Control Act (35 P.S. §§ 4001—4015).

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-304-009B: Ransom Industries Incorporated (101 North Church Street, Macungie, PA 18062) for the operation of a grinding operation and cutter controlled by three fabric collectors in Macungie Borough, **Lehigh County**.

40-313-033A: Coates Reprographics Incorporated (P. O. Box 160, Country Club Road, Dallas, PA 18612) for the operation of toner production lines controlled by a fabric collector in Dallas Borough, **Luzerne County**.

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

29-310-002E: H. B. Mellott Estate, Inc. (P. O. Box 310, Hancock, MD 21750) for the operation of a portable limestone crushing plant controlled by a combination wet suppression system and fabric collector in Bethel Township, **Fulton County**.

Notice of Intent to Issue Title V Operating Permits

Under 25 Pa. Code § 127.521, the Department of Environmental Protection (Department) intends to issue a Title V Operating Permit to the following facilities. These facilities are major facilities subject to the operating permit requirements under Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V Operating Permits).

Copies of the Title V application, proposed permit and other relevant information are available for public inspection and additional information may be obtained by contacting the regional office noted.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V permit to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period shall include the name, address and telephone number of the persons submitting the comments, along with the reference number of the proposed permit. The commentator

should also include a concise statement of objections to the permit issuance and the relevant facts upon which the objections are based.

The Department reserves the right to hold a public hearing on the proposed action based upon the information received during the public comment period and will provide notice of a scheduled public hearing at least 30 days in advance of the hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation where the facility is located.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Attn: Eric Gustafson, (814) 332-6940.

33-00137: Cogentrix of Pennsylvania, Inc. (Highway L. R. 33001, P. O. Box 192, Ringgold, PA 15770) in Ringgold Township, **Jefferson County**. The facility's major sources of emissions include three internal combustion engines used to generate electricity. The source is major due to emissions of nitrogen oxides.

PLAN APPROVALS

Plan Approval applications received under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-303-013: Eastern Industries Incorporated (4401 Camp Meeting Road, Center Valley, PA 18034) for the construction of a batch asphalt plant controlled by a fabric collector in North Whitehall Township, **Lehigh County**.

39-303-014: Eastern Industries Incorporated (4401 Camp Meeting Road, Center Valley, PA 18034) for the construction of a batch asphalt plant controlled by a fabric collector in Lower Macungie Township, **Lehigh County**.

39-313-037A: Fluoro-Seal Incorporated (16360 Park 10 Place No. 325, Houston, TX 77084) for the modification of a batch reaction operation controlled by a packed bed tower scrubber in Hanover Township, **Lehigh County**.

40-323-009: Caradon Mideast Aluminum Company (Crestwood Industrial Park, P. O. Box 98, Mountaintop, PA 18707) for the modification of a grinding and deburring operation controlled by a fabric collector in Wright Township, **Luzerne County**.

48-304-016C: Victaulic Company of America (4901 Kesslerville Road, P. O. Box 31, Easton, PA 18044) for the modification of foundry operations controlled by a fabric collector in Forks Township, **Northampton County**.

54-310-019: Commonwealth Environmental Systems (P. O. Box 249, Dunmore, PA 18512) for the construction of a stone crushing operation controlled by a waterspray system in Foster Township, **Schuylkill County**.

54-318-008B: Air Products & Chemicals Incorporated (P. O. Box 351, Tamaqua, PA 18252) for the modification of a paint spray operation controlled by panel filters in Rush Township, **Schuylkill County**.

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

06-10070: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for the modification of the press forge facility (Building 78) in Reading/Muhlenberg Township, **Berks County**.

36-05067B: C & D Technologies, Inc. (82 East Main Street, Leola, PA 17540) for modification of the existing battery production facility in Upper Leacock Township, **Lancaster County**.

36-318-137A: Conestoga Wood Specialties, Inc. (P. O. Box 158, 245 Reading Road, East Earl, PA 17519) for modification of coating line no. 2 located in East Earl Township, **Lancaster County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA 61-064A: The Conair Group, Inc. (Rt. 8 North, Franklin, PA 16323) for the installation of a spray paint booth and oven in Franklin, **Venango County**.

PA 43-273A: Greenville Metal Litho Enterprises, Inc. (242 Reynolds Industrial Park Road, Greenville, PA 16125-8216) for the construction of a single color offset lithographic press (70 tinplate sheets printed per minute) in Greenville, **Mercer County**.

REASONABLY AVAILABLE CONTROL TECHNOLOGY

(RACT)

Public Hearing

Lancaster County Resource Recovery Facility

The Department of Environmental Protection (Department) has made a preliminary determination to approve a Reasonable Available Control Technology (RACT)/Federally Enforceable State Operating Permit (FESOP) Plan for the purpose of revising the State Implementation Plan (SIP) for the Lancaster County Resource Recovery Facility located in Conoy Township, Lancaster County which is owned by the Lancaster County Solid Waste Management Authority and operated by Ogden Martin Systems of Lancaster, Inc.

The proposed SIP revision will incorporate the provisions and requirements contained in the RACT plan approval. Also, in accordance with the State Section 111(d)/129 plan for Municipal Waste Combustors, the Department will incorporate the applicable requirements of 40 CFR Part 60, Subpart Cb.

The preliminary RACT determination along with the Subpart Cb requirements will be incorporated into a RACT/FESOP plan approval No. 36-2013, and will be submitted to the United States Environmental Protection Agency (EPA) as a revision to Pennsylvania's SIP.

The preliminary NOx RACT determination for the three combustion sources is a Selective Non-Catalytic Reduction.

An appointment to review the pertinent documents at the Southcentral Regional Office may be scheduled by contacting Mary Disanto at (717) 540-5018 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday, except holidays.

One public hearing will be held for the purpose of receiving comments on the proposal. The hearing will be held on April 9, 1998, at the Bainbridge Firehall, Second and Market Streets, Bainbridge, PA 17562 from 1 p.m. until all scheduled comments on the proposal are received.

Those wishing to comment are requested to contact Susan Frank, (717) 541-7969 at least 1 week in advance of the hearing to schedule their testimony. Commentators are requested to provide two written copies of their remarks at the time of the hearing. Oral testimony will

be limited to a maximum of 10 minutes per individual. Organizations are requested to designate an individual to present testimony on behalf of the organization. Written comments may be submitted to Rick Millard, Air Pollution Control Engineer, One Ararat Boulevard, Harrisburg, PA 17110 on or before April 6, 1998.

Persons with a disability who wish to attend the hearing scheduled for April 9, 1998, at the Bainbridge Firehall and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Susan Frank directly at (717) 541-7969 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MINING

APPLICATIONS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District mining office indicated above each application. Where a 401 water quality certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment, and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. The NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the above, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit when necessary for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES permit requirements for a particular mining activity

within the above-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections, application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Applications Received

32940102. Permit Revision, **GLR Mining, Inc.** (P. O. Box 105, Clymer, PA 15728), to include a stream variance to conduct support activities within 100 feet of Leonard Run, beginning 2,200 feet upstream from Leonard Run's confluence with Yellow Creek, thence upstream a distance of 650 feet on the northern side of Leonard Run in Pine Township, **Indiana County**, affecting 148.7 acres, receiving stream Leonard Run. Application received February 12, 1998.

32920106. Permit Renewal, **R & L Coal Corporation** (P. O. Box 26, Punxsutawney, PA 15767), commencement, operation and restoration of bituminous strip mine for reclamation, only in Banks Township, **Indiana County**, affecting 18.0 acres, receiving stream unnamed tributary to and South Branch Bear Run, Straight Run to Little Mahoning Creek. Application received February 18, 1998.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

04920102R. **Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Renewal application received for continued reclamation of a bituminous surface mine located in North Sewickley Township, **Beaver County**. Receiving streams: unnamed tributaries to Connoquenessing Creek to the Beaver River. Renewal application received: February 12, 1998.

65920101R. **Ralph Smith & Son, Inc.** (200 2nd Street, Derry, PA 15627). Renewal application received for continued reclamation of a bituminous surface mine located in Derry Township, **Westmoreland County**. Receiving streams: unnamed tributary to Stony Run and Stony Run. Renewal application received: February 12, 1998.

63920102. **Pennweir Construction Company** (401 Pennsylvania Avenue, Weirton, WV 26062). Renewal application received for continued reclamation of a bituminous surface mine located in Jefferson Township, **Washington County**. Receiving streams: unnamed tributaries to Parmar Run and Parmar Run. Renewal application received: February 20, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17860133. **Johnson Brothers Coal Company** (R. D. 1, Box 580, Mahaffey, PA 15757), revision to an existing bituminous surface mine permit for a change in permit acreage from 188.4 to 226.6 acres, Brady and Penn Townships, **Clearfield County**, receiving streams: Laurel Branch Run and Beech Run. Application received January 30, 1998.

17930109. Floyd Mottern Coal, Inc. (R. D. 1, Box 118, Penfield, PA 15849), renewal of an existing bituminous surface mine permit in Huston Township, **Clearfield County** affecting 51.8 acres, receiving streams: unnamed tributary to Moose Run and Moose Run. Application received February 4, 1998.

17960121. K & J Coal Co., Inc. (P. O. Box 189, Westover, PA 16692), revision to an existing bituminous surface mine-auger permit for a change in permit acreage from 290.0 to 297.5 acres, Chest and Ferguson Townships, **Clearfield County**, receiving streams: unnamed tributary to Wilson Run and McMasters Run and its unnamed tributary and an unnamed tributary to Chest Creek. Application received February 6, 1998.

17940118. Cougar Contracting, Inc. (P. O. Box 217, Houtzdale, PA 16651), revision to an existing bituminous surface mine permit for a change in land use from forestland to pastureland or land occasionally cut for hay, Woodward Township, **Clearfield County**. Application received February 11, 1998.

17920114. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), renewal of an existing bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 77.4 acres, receiving streams: an unnamed tributary of Little Beaver Run to Little Beaver Run, Little Beaver Run to Beaver Run; Beaver Run to Moshannon Creek, Moshannon Creek to West Branch Susquehanna River, and North Branch Morgan Run to Upper Morgan Run, Upper Morgan Run to Clearfield Creek; Clearfield Creek to West Branch Susquehanna River. Application received February 12, 1998.

17980104. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine-auger permit in Lawrence Township, **Clearfield County** affecting 84 acres, receiving streams: unnamed tributary to Moose Creek, Moose Creek and Orr's Run. Application received February 18, 1998.

17980105. Jer-Dem, Inc. (P. O. Box 336, Houtzdale, PA 16651), commencement, operation and restoration of a bituminous surface mine-auger permit in Knox Township, **Clearfield County** affecting 85 acres, receiving streams: unnamed tributary to Clearfield Creek and Cherry Run. Application received February 20, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

40930201R. Lonsetta Trucking and Excavating Company (P. O. Box 644, Hazleton, PA 18201), renewal of an existing coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 27.6 acres, receiving stream none. Application received February 11, 1998.

49920101R. Blaschak Coal Corp. (P. O. Box 12, St. Nicholas, Mahanoy City, PA 17948), renewal of an existing anthracite surface mine operation in Coal Township, **Northumberland County** affecting 1,016.0 acres, receiving stream none. Application received February 13, 1998.

54763207C. Gilberton Coal Company (P. O. Box 423, Gilberton, PA 17934), correction to an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County**, affecting 25.9 acres, receiving stream North Mahanoy Creek. Application received January 28, 1998.

54830103R2. K & K Coal Company (133 Valley Furnace Avenue, Port Carbon, PA 17965), commencement, operation and restoration of an anthracite surface mine operation in Blythe Township, **Schuylkill County** affect-

ing 160.0 acres, receiving stream unnamed tributary to Schuylkill River. Application received February 18, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Applications Received

48980301. Chrin Brothers, Inc. (635 Industrial Drive, Easton, PA 18042), commencement, operation and restoration of a quarry operation in Williams Township, **Northampton County** affecting 36.8 acres, receiving stream unnamed tributary to Lehigh River. Application received February 5, 1998.

APPLICATIONS RECEIVED UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT

ENCROACHMENTS

The following Dam Safety and Encroachment permit applications, requests for Environmental Assessment approval and requests for water quality certification have been received by the Department of Environmental Protection (Department). Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)) requires the State to certify that the involved projects will not violate the applicable provisions of 33 U.S.C.A. §§ 1311—1313, 1316 and 1317, as well as relevant State requirements. Initial requests for 401 certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Safety or Encroachment Permit or the approval of Environmental Assessments must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted above the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401 of the Federal Water Pollution Control Act.

Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E04-252. Encroachment. John E. and Laura A. Hall, 104 Turkmar Drive, Aliquippa, PA 15001-1400. To construct and maintain a 5-foot diameter concert culvert in Shafer Run for the purpose of providing access to a proposed residence. The project is located on the south side of East Shaffer Road approximately 3,400 feet east of its intersection of Broadhead Road (SR 0051) (Beaver, PA Quadrangle N: 2.2 inches; W: 6.8 inches) in Center Township, **Beaver County**.

E11-258. Encroachment. Miller's Greenhouse, Box 21, Crooked Street, Wilmore, PA 15962-0021. To place and maintain fill in 0.2 acre of palustrine emergent wetlands for the purpose of expanding an existing greenhouse business. The wetlands are located within the Little Conemaugh River (CWF) watershed and along SR 0053 (Portage Street) at its intersection with Crooked Street (Ebensburg, PA Quadrangle N: 2.8 inches; W: 12.2 inches)

Wilmore Borough, **Cambria County**. The applicant proposes to meet the wetland replacement obligation by contributing to the Wetland Replacement Fund.

E63-447. Encroachment. Pechin Leasing, Inc., P. O. Box 340, 1 Pechin Road, Dunbar, PA 15431-0340. To construct and maintain a marina in the channel of and along the left bank of the Monongahela River (WWF) to provide more mooring space located at River Mile 64.4 at the Old Clyde Mine site (Carmichaels, PA Quadrangle N: 22.0 inches; W: 16.85 inches) in East Bethlehem Township, **Washington County**.

E02-1217. Encroachment. Brusters Old Fashion Ice Cream, 161 Bluestone Drive, Bethel Park, PA 15102. To construct and maintain a 60-inch RCP culvert extension to an existing culvert in a tributary to Thompson Run (WWF) for a proposed Brusters Old Fashion Ice Cream Store, located along the north side of Old William Penn Highway approximately 500 feet west of its intersection with Beatty Road (Murrysville, PA Quadrangle N: 12.0 inches; W: 16.5 inches) in the Municipality of Monroeville, **Allegheny County**.

WATER QUALITY CERTIFICATION

Initial Notice of Request for Certification under Section 401 of the Federal Water Pollution Control Act

The following requests have been made to the Department of Environmental Protection (Department) for certification under section 401(a) of the Federal Clean Water Act (act) as amended, 33 U.S.C.A. § 1341(a), that the construction and operation herein described will comply with the applicable provisions of sections 301—303, 306 and 307 of the act, and that the construction will not violate applicable Federal and State water quality standards.

Prior to final approval of the proposed certification, consideration will be given to comments, suggestions or objections which are submitted in writing within 30 days of the date of this notice. Comments should be submitted to the Department at the address indicated above each of the following requests for certification. Comments should contain the name, address and telephone number of the person commenting; identification of the certification request to which the comments are addressed; and a concise statement of comments, objections or suggestions in sufficient detail to inform the Department of the exact basis of the proposal and the relevant facts upon which it is based. The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary to resolve conflicts. Each individual will be notified in writing of the time and place of any scheduled hearing or conference concerning the certification request to which the protest relates. Maps, drawings and other data pertinent to the certification request are available for inspection and review at the address indicated above each request for certification between the hours of 8 a.m. and 4 p.m. on each working day.

Regional Office: Tim V. Dreier, Regional Manager, Water Management, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Certification Request Initiated by: Alexander R. Jansen, P. E., Deputy Executive Director, Pennsylvania Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676.

Location: Findlay Township, Allegheny County and Robinson Township, Washington County.

Project Description: To construct approximately 6 miles of a new, four lane, limited access tolled highway connecting PA Route 60 at the Pittsburgh International Airport in Findlay Township, **Allegheny County** and US Route 22 in Robinson Township, **Washington County**. The project will impact the following streams: Potato Garden Run (WWF), five unnamed tributaries to Potato Garden Run (WWF), North Fork of Montour Run (TSF), six unnamed tributaries to Montour Run (TSF), two unnamed tributaries to Raredon Run (WWF) and seven unnamed tributaries to St. Patrick Run (WWF). In addition, a total of 8.0 acres of wetland are proposed to be impacted (6.3 acres PEM, 1 acre PSS, and 0.7 acre PFO). Stream and wetland mitigation will be required.

ACTIONS

FINAL ACTIONS TAKEN UNDER THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

[National Pollution Discharge Elimination System Program (NPDES)]

DISCHARGE OF CONTROLLED INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

(Part I Permits)

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications and requests for plan approval and has issued the following significant orders.

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, 400 Market Street, Second Floor, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

Southwest Regional Office, Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

NPDES Permit No. PA0001716, Amendment No. 1. Industrial waste, **FMC Corporation**, 57 Cooper Avenue, Homer City, PA 15748 is authorized to discharge from a facility located at Packaging and Material Handling Division, Homer City Borough, **Indiana County**.

NPDES Permit No. PA0001864. Industrial waste, **Heinz USA**, P. O. Box 57, Pittsburgh, PA 15230-0057 is

authorized to discharge from a facility located at City of Pittsburgh, **Allegheny County** to the Allegheny River.

NPDES Permit No. PA0205559. Sewage, **WJT Enterprises**, R. R. 2, Box 54, Marion Center, PA 15759 is authorized to discharge from a facility located at Crystal Waters Personal Care Facility STP, Rayne Township, **Indiana County** to Pine Run.

Northwest Regional Office, Regional Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6942.

WQM Permit No. 3397407. Sewage, **Doverspike Brothers Coal Company**, R. D. 4, Box 271, Punxsutawney, PA 15767. This project is for the construction and operation of a wastewater treatment facility in Knox Township, **Jefferson County**.

INDIVIDUAL PERMITS

(PAS)

The following NPDES Individual Permits for Discharges of Stormwater from Construction Activities have been issued.

Northeast Regional Office, Regional Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

<i>NPDES Permit No.</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS105712	PA DEP Bureau of Abandoned Mine Reclamation 2 Public Square Wilkes-Barre, PA 18711-0790	Schuylkill Co. E. Union Twp.	Little Tomhicken Crk.

INDIVIDUAL PERMITS

(PAR)

The following parties have submitted Notices of Intent (NOIs) for Coverage under (1) General NPDES Permit(s) to discharge wastewater into the surface waters of this Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permit(s) for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in Pennsylvania. The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective general permit. The Department of Environmental Protection approves the following coverages under the specified General Permit.

The EPA Region III Regional Administrator has waived the right to review or object to this permit action under the waiver provision: 40 CFR 123.24.

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

List of NPDES and/or other General Permit Type

PAG-1	General Permit For Discharges From Stripper Oil Well Facilities
PAG-2	General Permit For Discharges of Stormwater From Construction Activities
PAG-3	General Permit For Discharges of Stormwater From Industrial Activities
PAG-4	General Permit For Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit For Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit For Wet Weather Overflow Discharges From Combined Sewer Systems
PAG-7	General Permit For Beneficial Use of Exceptional Quality Sewage Sludge By Land Application
PAG-8	General Permit For Beneficial Use of Non-Exceptional Quality Sewage Sludge By Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-9	General Permit For Beneficial Use of Residential Septage By Land Application to Agricultural Land, Forest or a Land Reclamation Site

General Permit Type—PAG 2

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
West Whiteland Township Chester County	PAR10-G223	Hedberg Subdivision 208 North Ship Road Exton, PA 19341	Valley Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Caln Township Chester County	PAR10-G250	GO Carlson Loulevard Bailey and Barley Sheaf Roads Thorndale, PA 19372	Valley Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
West Whiteland Township Chester County	PAR10-G248	Exton Mall 10275 Little Patuxent Parkway Columbia, MD 20144	Valley Creek II	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Thornbury Township Chester County	PAR10-G246	Echo Hill 1370 Westtown-Thornton Roads West Chester, PA 19382	Walton Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
New Garden Township Chester County	PAR10-G206	Howard Porter 219 Birch Street Kennett Square, PA	Unnamed Tributary to West Branch Red Clay Crk.	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
East Goshen Township Chester County	PAR10-G249	Synthes, USA 1690 Russell Road	Chester Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Valley Township Chester County	PAR10-G232	Brook Builders R. R. 2, Box 20 Parkesburg, PA	Rock Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
West Bradford Township Chester County	PAR10-G234	WBYA Soccer Fields P. O. Box 98 Downingtown, PA	Unnamed Tributary to West Branch Brandywine Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
East and West Nottingham Twps. Chester County	PAR10-G226	Woodward Property 1920 City Line Avenue Philadelphia, PA	Black Burn Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
West Whiteland Township Chester County	PAR10-G236	Whiteland Ridge III 921 Briarwood Circle West Chester, PA	West Valley Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Thornbury Township Chester County	PAR10-G247	Megill Construction 1308 South Concord Road	East Branch Chester Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Birmingham Township Chester County	PAR10-G252	Toll Brothers—Knolls of Birmingham 3103 Philmont Avenue Huntingdon Valley, PA 19006	Radley Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Highland Township Chester County	PAR10-G251	SR and AR Petersheim 3233 Lionestone Road Copnchronville, PA 19330	Unnamed Tributary to Valley Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Pocopson Township Chester County	PAR10-G244	Albert Gorman 1 Red Bridge Farm West Chester, PA	Pocopson Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
New Garden Township Chester County	PAR10-G239	Kaolin Mushroom P. O. Box 1037 Kennett Square, PA	Unnamed Tributary to White Clay Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
West Caln Township Chester County	PAR10-G242	Hibernia Homes 1009 Telegraph Road Coatesville, PA	West Branch Brandywine Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
East Marlborough Township Chester County	PAR10-G230	Longwood Village 175 Strafford Avenue Wayne, PA 19087	Unnamed Tributary to Red Clay Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
London Grove Township Chester County	PAR10-G253	Nutra Soils, Inc. P. O. Box 485 Toughkenomon, PA	Unnamed Tributary to White Clay Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Atglen Borough Chester County	PAR10-G254	Cushman and Marshman P. O. Box 173 Thorndale, PA 19372	Valley Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Oxford Borough Chester County	PAR10-G255	Brookside Estates 122 West Hillside Drive Oxford, PA	Tributary to Luck Run	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
West Whiteland Township Chester County	PAR10-G205	South Whitford Associates Blair and Son 926 Coopertown Road Bryn Mawr, PA	East Branch of Brandywine Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
Aston Township Delaware County	PAR10-J111	Neuman College One Neuman Drive Aston, PA 19014	West Branch Chester Creek	Southeast Regional Office 555 North Lane Suite 6010, Lee Park Conshohocken, PA 19428 (610) 832-6131
New Oxford Borough Adams County	PAR-10-0061	Tim-Bar Corporation 148 North Penn Street Hanover, PA 17331	Conewago Creek	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636
Abbottstown Borough Adams County	PAR-10-0064	Garland Construction, Inc. 336 West King Street Lancaster, PA 17603	Pine Run	Adams County CD 57 N. Fifth St. Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Spring Township Berks County	PAR-10-C196	Homewood Suites Hotel & Rest. Frank McCabe, Pres. High Hotels 1853 Wm. Penn Way P. O. Box 10008 Lancaster, PA 17605-0008	Tulpehocken Creek	Bedford County CD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Lower Heidelberg Township Berks County	PAR-10-C197	Calvary Bible Fellowship Church Wendell Yoder 31 Gren Valley Road Sinking Spring, PA 19608	Little Cacoosing Crk.	Bedford County CD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Wyomissing Borough Cumru Township Brecknock Township Spring Township Berks County	PAR-10-C204	S. R. 0222 Sect. 001, 002 and 003 Warren Street Extension John Porter/ PA DOT 1713 Lehigh Street Allentown, PA 18103	Little Muddy and Wyomissing Creeks	Bedford County CD 702 West Pitt Street Suite 4 Bedford, PA 15009 (814) 623-6706
Logan Township Blair County	PAR-10-0661	Promoland Inc. Harry K. Benjamin, President 9 Logan Blvd., 2nd Floor Altoona, PA 16602	Mill Run	Blair County CD 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Hampden Township Cumberland County	PAR-10-H153	Tom Gaughen The Brambles P. O. Box 686 Camp Hill, PA 17001-0686	Conodoguinet Creek	Cumberland County CD 43 Brookwood Ave. Suite 4 Carlisle, PA 17013 (717) 240-7812
West Manheim Township York County	PAR-10-Y224-R	Maryland View Farms Ronald L. Carter 1566 Black Rock Road Brodbecks, PA 17329	West Branch Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Peach Bottom Township York County	PAR-10-Y293	Stewart Subdivision David and Barbara Stewart 556 Slateville Road Delta, PA 17314	Michael Run	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township Dillsburg Borough York County	PAR-10-Y109-R	The McNaughton Company Francis C. McNaughton 440 Deer Path Road Harrisburg, PA 17110	UNT to Yellow Breeches	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Glen Rock Borough York County	PAR-10-Y127-R	Colonial Meadows Phase 1 George Spencer 13213 Beaver Dam Road Cockeysville, MD 21030	UNT to South Branch Codorus Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAR-10-Y019-R	Michael Caltogirone Boulevard Commons 2215 Marlborough Drive York, PA 17403	UNT to Kreutz Creek	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Lower Windsor Township York County	PAR-10-Y244-R	Ronald C. Kohr Lauxmont Farms Box 100 Wrightsville, PA 17368	Klines Run and Susquehanna River	York County CD 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Columbia County Mifflin Township	PAR102130	Russell Gillespie Box E Mifflinville, PA 18631	Susquehanna River, Trib.	Columbia CCD 702 Sawmill Rd., Suite 105 Bloomsburg, PA 17815 (717) 784-1310

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Lycoming County Armstrong Township	PAR103922	Balls Mills Soccer Complex 1211 Walnut St. Williamsport, PA 17701	Susquehanna River, W. Br.	Lycoming CCD 2130 County Farm Rd., Suite 6 Montoursville, PA 17754 (717) 433-3003
Snyder County Shamokin Dam Borough	PAR105913	Golden Gate Development R. R. 1, Box 452 Winfield, PA 17889	Fiss Run	Snyder CCD 403 W. Market St. Middleburg, PA 17842 (717) 837-0085
Luzerne County Hazle Township	PAR10R184	Humboldt Ind. Park 55A Oak Ridge Road Hazle Township	Tomhicken Creek	Luzerne CD (717) 674-7991

General Permit Type—PAG 3

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Mahoning Township Lawrence County	PAR238304	Mariellen Rich, Corporate Secretary Seal-Master Manufacturing of PA, Inc. P. O. Box 282 Route 224 Hillsville, PA 16132	Unnamed Tributaries to Mahoning River	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6942
Jackson Township Butler County	PAR208303	Richard C. McCafferty Director of Manufacturing Berry Metal Company Route 68 Harmony, PA 16037-7799	Breakneck Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6942
City of St. Marys Elk County	PAR228313	Penn Pallet, Inc. P. O. Box 8 675 Fillmore Road St. Marys, PA 15857-0008	Elk Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6942
Ellwood City Borough Lawrence County	PAR208329	INMETCO (The International Metals Reclamation Co., Inc.) 245 Portersville Road Ellwood City, PA 16117	Connoquenessing Creek	Northwest Region Water Management 230 Chestnut Street Meadville, PA 16335 (814) 332-6942

General Permit Type—PAG 4

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>	<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Centre County Worth Township	PAG044992	John and Lori Miles 172 Elderberry Lane Julian, PA 16841	Reese Hollow Run	Northcentral 208 West Third Street Williamsport, PA 17701 (717) 327-3664
Clearfield County Brady Township	PAG044805	Jeffrey A. Jamison R. D. 1, Box 177 Luthersburg, PA 15848	Stump Creek	Northcentral 208 West Third Street Williamsport, PA 17701 (717) 327-3664
Clearfield County Bradford Township	PAG044990	Jean Read P. O. Box 53 Woodland, PA 16881	Unnamed Tributary of Millstone Run	Northcentral 208 West Third Street Williamsport, PA 17701 (717) 327-3664

General Permit Type—PAG 5

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>
Potter County Harrison Township	PAG054802	Greg Cole Cole's Garage 101 West Main Street Harrison Valley, PA 16927

<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
Cowanesque River (North Branch)	Northcentral 208 West Third Street Williamsport, PA 17701 (717) 327-3664

General Permit Type—PAG 8

<i>Facility Location</i>	<i>Permit No.</i>	<i>Applicant's Name and Address</i>
Northumberland Borough Northumberland County	PAG084803	Michael Brockman, Superintendent Northumberland Sewer Authority P. O. Box 325 Northumberland, PA 17857

<i>Receiving Stream or Body of Water</i>	<i>Contact Office and Telephone No.</i>
	Northcentral 208 W. Third Street Williamsport, PA 17701 (717) 327-3664

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approval granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20).

Southwest Regional Office: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Location: The proposed **Schmidt Office Building** will be located at the corner of Route 66 and Pepper Road, Washington Township, **Westmoreland County**. It can also be located on the U.S.G.S. Slicksville topographic map 40°28'07" latitude, 79°43'00" longitude.

Project Description: January 28, 1998—Approval of a revision to the official sewage facility plan of Washington Township, Westmoreland County. Project involves the construction of a sewage treatment facility to serve a proposed commercial building. Treated effluent will be discharged to an unnamed tributary of the Beaver Run Reservoir, which is classified as a high quality-cold water fishery.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

Southeast Regional Office, Sanitarian Regional Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428-2233, (610) 832-6130.

Permit No. 0997517. Public water supply. **New Hope Solebury School District**, Gregory Hogg, 180 West Bridge Street, New Hope, PA 18938. A permit has been issued to the New Hope Solebury School District granting permission to construct a corrosion control treatment system and a chlorination system at New Hope Solebury Elementary School Water Supply System in Solebury Township, **Bucks County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Andersen Engineering Associates, Inc., Peter C. Andersen, 306 N. 5th Street, Perkasie, PA 18944

Permit to Construct Issued: February 13, 1998

Permit No. 1597508. Public water supply. **City of Coatesville Authority**, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19320-5414. The City of Coatesville Authority was issued a permit for the construction of the Mount Pleasant Pump Station in City of Coatesville, **Chester County**.

Type of Facility: Public Water Supply Pumping Station

Consulting Engineer: Brian MacEwen, P. E., City of Coatesville Authority, 114 East Lincoln Highway, P. O. Box 791, Coatesville, PA 19329-5414

Permit to Construct Issued: January 28, 1998

Permit No. 0997509. Public water supply. **Quakertown Borough**, David Woglom, 15-35 N. Second Street, Quakertown, PA 18951. A construction permit has been issued to Quakertown Borough for the replacement of well No. 15 with well No. 15A and treatment facility along with the construction of a new filter backwash water system for well No. 12. The treatment facility will contain a clear well, pump, chlorination, an air stripper, pressure filtration vessels, along with permanganate addition in Quakertown Township, **Bucks County**.

Type of Facility: Public Water Supply System

Consulting Engineer: Boucher & James, Inc. Marsk S. Geosits, 127 S. Fifth Street, Quakertown, PA 18951

Permit to Construct Issued: February 18, 1998

Permit No. 4697515. Public water supply. **Pottstown Borough Authority**, Douglas Yeager, 241 King Street, Pottstown, PA 19464. A permit has been issued to Pottstown Borough Authority for the construction of Willow Street Booster pumping station and the installation of 800 feet of 12-inch water main in Upper Pottsgrove Township, **Montgomery County**.

Type of Facility: Public Water Supply

Consulting Engineer: BCM Engineers, Inc., Thomas L. Weld, Jr., One Plymouth Meeting, Plymouth Meeting, PA 19462

Permit to Construct Issued: February 10, 1998

Northeast Regional Office, Sanitarian Regional Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Permit No. 4597502. Public water supply. **Sun Valley Water Company**, Claire Cameron, 1209 Lakeside Rd., Effort, PA 18330. This proposal involves replacing the well pump in Well No. 1 and increasing the permitted yield of Well No. 1 to 40 gpm. It is located in Chestnuthill Township, **Monroe County**. *Permit to Operate:* January 29, 1998.

HAZARDOUS SITES CLEANUP

Under the Act of October 18, 1988

Settlement Under the Hazardous Sites Cleanup Act

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C.A. §§ 9601—9675) has entered into a settlement relating to the cleanup of the Westmoreland Tubular Products HSCA site located at 6500 Beaver Dam Road, Levittown, Bucks County, PA (site). The settlement involves a proposed Consent Decree between the Department and Union Fence Company, Inc. (Union Fence), which is a potentially responsible party as an owner or operator of the site during a release of hazardous substances, as well as certain parties related to Union Fence.

Union Fence conducted fence fabricating operations at the site from the 1960's until December 2, 1986, when it sold the site to Westmoreland Tubular Products Manufacturing Company, Inc. (Westmoreland), which continued operations at the site. On July 14, 1992, based on inspections of the site which revealed the presence of barrels of hazardous substances, the Department determined that prompt action was required to protect the public health or safety or the environment. In a Statement of Decision (SOD) dated May 24, 1994, the Department chose an interim response action, which consisted of sampling and analyzing the contents of drums, overpacking the drums and disposing of the drums offsite to a hazardous waste treatment/disposal facility. The Department completed its interim response action on July 19, 1993.

Under the terms of the proposed Consent Decree, Union Fence will make an immediate payment of \$15,000 for response costs incurred by the Department in connection with the site. In addition, in the event that Union Fence collects any payments on its outstanding judgment against Westmoreland, Union Fence will pay the Department up to an additional \$56,000.

This notice is provided under section 1113 of HSCA (35 P.S. § 6020.1113). The Department will provide for a 60-day public comment period on the proposed Consent Decree from the date of publication of this notice. The proposed Consent Decree may be examined from 8 a.m. to 4 p.m. at the Department's office at Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, by contacting Kevin Hess at (610) 832-6194 or Paul Rettinger at (610) 832-6300 during normal business hours. Persons may submit written comments to Kevin Hess at the above address. The Department will provide a response to all significant written comments received during the public comment period, and the proposed Consent Decree authorizes the Department to withhold or withdraw its consent in the event that the Department determines, based on comments received during the public comment period, that the Consent Decree is inappropriate, improper or not in the public interest.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

Under Act 2, 1995

Preamble 3

The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of any final reports. A final report is submit-

ted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program in the Department's Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final report:

Southeast Regional Office: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428, (610) 832-5950.

Station Square Property, Whitemarsh Township, **Montgomery County**. David S. Coyne, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, has submitted a Final Report concerning remediation of site soil contaminated with polycyclic aromatic hydrocarbons; and surface water contaminated with lead and heavy metals. The report is intended to document remediation of the site to meet the Statewide health standard.

Bustleton Partners-Seaman's Underground Storage Tank Area, City of Philadelphia, **Philadelphia County**. Terence A. O'Reilly, P.G., TriState Environmental Management Services, Inc., 362 Dunks Ferry Road, Bensalem, PA 19020, has submitted a Final Report concerning remediation of site soil contaminated with BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to meet the Statewide health standard.

Northeast Regional Field Office, Joseph A. Brogna, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (717) 826-2511.

Pennsylvania Power & Light Company (PP&L)—Jasper Substation, City of Allentown, **Lehigh County**. PP&L, Environmental Management Division, 2 North Ninth Street, Allentown, PA 18101 has submitted a Final Report concerning the remediation of site soils found to have been contaminated with PCBs (polychlorinated biphenyls). The report was submitted in order to document remediation of the site to meet the Statewide human health standard.

Southcentral Regional Office, Environmental Cleanup Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4592.

Former Standard Register Plant, Bedford Township, **Bedford County**. JLG Industries and Standard Register, c/o Louis Naugle, Esq., Reed, Smith, Shaw & McClay, P.O. Box 2009, Pittsburgh, PA 15230, has submitted a Final Report concerning remediation of site soils and groundwater contaminated with PAHs, Diesel Range Pe-

troleum Compounds and Volatile Organic Compounds. The report is intended to document remediation of the site to meet the Statewide health standard.

Former Eastern Industries Reading Concrete Plant, City of Reading, **Berks County**. Eastern Industries, Inc., 4401 Camp Meeting Road, Center Valley, PA 18034 has submitted a Final Report concerning remediation of site soils contaminated with BTEX and PAHs and groundwater contaminated with solvents. The report is intended to document remediation of the site to meet the Statewide health standard.

SOLID AND HAZARDOUS WASTE BENEFICIAL USE DETERMINATIONS

Determination of Applicability for General Permit denied under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for municipal and residual waste.

Northcentral Regional Office, Regional Solid Waste Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701, (717) 327-3653.

General Permit No. WMG038. GSR Recycling, Inc. (P. O. Box 6, 139G Morehead Street, Millville, PA 17846). Determination of applicability for a waste tire processing facility operation under a general permit, denied in the regional office on February 17, 1998.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate solid waste processing or disposal area or site.

Southcentral Regional Office, Regional Solid Waste Program Manager, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4588.

Permit No. 301194. PRC Residual Waste Landfill, Process Recovery Corporation (2909 Windmill Road, Sinking Spring, PA 19608). Application for repermitting of a residual waste landfill site in Cumru Township, **Berks County**. Permit issued in the Regional Office February 20, 1998.

AIR POLLUTION OPERATING PERMITS

General Plan Approval and Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

GP-16-00137: Milestone Crushed, Inc. (SR 3011, R. D. 3, Box 132, Emlenton, PA 16373) for a portable nonmetallic mineral processing plant in Beaver Township, **Clarion County**.

Operating Permits issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-20-130A: Meadville Forging Co. (P. O. Box 459, Meadville, PA 16335) issued November 30, 1997, for a shot blaster and baghouse in West Mead Township, **Crawford County**.

Operating Permits Minor Modification issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northcentral Regional Office, Air Quality Program, 200 Pine Street, Williamsport, PA 17701, (717) 327-3637.

49-313-032F: Merck and Company, Inc. (P. O. Box 600, Danville, PA 17821-0600) issued February 11, 1998, to reflect minor changes to the pharmaceutical process equipment ducted to a fume incinerator in Riverside Borough, **Northumberland County**.

PLAN APPROVALS

Plan Approvals issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Regional Office, Air Quality Program, Two Public Square, Wilkes-Barre, PA 17811-0790, (717) 826-2531.

39-308-002A: Bridesburg Foundry Company (Front and Grape Streets, Whitehall, PA 18052) issued February 10, 1998, for the modification of the foundry operations controlled by fabric collectors in Whitehall Township, **Lehigh County**.

39-399-037A: Mallinkrodt Chemical Incorporated (2409 North Cedar Crest Boulevard, Allentown, PA 18104) issued January 20, 1998, for the modification of oxidation reactors controlled by a scrubber in South Whitehall Township, **Lehigh County**.

40-309-035A: Certech Incorporated (550 Stewart Road, Wilkes-Barre, PA 18706) issued February 2, 1998, for the modification of a ceramic extrusion process controlled by afterburners in Hanover Township, **Luzerne County**.

54-304-012: Goulds Pumps Incorporated (550 East Centre Street, Ashland, PA 17921) issued February 12, 1998, for the construction of a thermal sand reclamation operation in Ashland Borough, **Schuylkill County**.

54-306-006B: Northeastern Power Company (P. O. Box 7, McAdoo, PA 18237) issued February 12, 1998, for the modification of a bottom ash handling system controlled by a fabric collector in Kline Township, **Schuylkill County**.

Southcentral Regional Office, Air Quality Program, One Ararat Boulevard, Harrisburg, PA 17110, (717) 657-4587.

22-310-005C: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) issued February 19, 1998, for the installation of a rock crusher controlled by a fabric filter at the Hummelstown Quarry in South Hanover Township, **Dauphin County**.

28-03007: Phil Oberholzer's Garage (1857 Clay Hill Road, Greencastle, PA 17225) issued February 19, 1998,

for the construction of the aluminum melting furnace controlled by an afterburner in Antrim Township, **Franklin County**.

28-304-020C: T. B. Woods, Inc. (440 North Fifth Avenue, Chambersburg, PA 17201) issued February 19, 1998, for the reactivation of the 30-ton channel induction furnace in Chambersburg Borough, **Franklin County**.

38-318-015B: Aluminum Company of America (3000 State Drive, Lebanon, PA 17042) issued February 19, 1998, for the modification of no. 95 aluminum coil/foil coating line controlled by a catalytic incinerator in South Lebanon Township, **Lebanon County**.

38-318-033A: Supreme Mid-Atlantic Corp. (P. O. Box 779, Jonestown, PA 17038) issued February 17, 1998, for the installation of line no. 2A undercoat paint area, area C mezzanine paint area, and line no. 6 paint area at their Plant No. 1 in Union Township, **Lebanon County**.

05-302-013: Blue Triangle Hardwoods, Inc. (P. O. Box 249, Everett, PA 15537) issued on February 13, 1998, for the construction of a wood fired, fluidized bed boiler controlled by a mechanical collector in West Providence Township, **Bedford County**.

36-03027: Acorn Press, Inc. (P. O. Box 5319, Lancaster, PA 17601) issued on February 12, 1998, for the construction of seven sheetfed nonheatset presses in Manheim Township, **Lancaster County**.

36-304-092: Donsco, Inc. (P. O. Box 2001, Wrightsville, PA 17368-0400) issued on February 10, 1998, for the modification of the molding, shakeout and finishing operations at their Mt. Joy Foundry in Mt. Joy, **Lancaster County**.

36-317-083A: M & M/Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022) issued on February 11, 1998, for the installation of a dry milk process system in Elizabethtown Borough, **Lancaster County**.

Northwest Regional Office, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6940.

PA-25-066A: Kaiser Aluminum & Chemical Co. (P. O. Box 619) issued February 13, 1998, for the installation of scrubbers on the 5,000 ton press in Erie, **Erie County**.

PA-25-066B: Kaiser Aluminum & Chemical Co. (P. O. Box 619) issued February 13, 1998, for the installation of scrubbers on the 8,000 ton press in Erie, **Erie County**.

Minor Modification of Plan Approvals issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southwest Regional Office, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4174.

PA-04-483B: Interforest Corporation (119 AID Drive, P. O. Box 444, Darlington, PA 16115) received February 3, 1998, to modify Plan Approval Application 04-483A at Penn-Beaver Veneers Corp. in Darlington Township, **Beaver County**.

MINING

APPROVALS TO CONDUCT COAL AND NONCOAL ACTIVITIES

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—

1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 water quality certification. Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

Coal Permits Issued

11970105. R.J.C. Kohl, Inc. (P. O. Box 299, Nicktown, PA 15762), commencement, operation and restoration of a bituminous strip mine in West Carroll and Susquehanna Townships, **Cambria County**, affecting 41.0 acres, receiving stream unnamed tributaries to Fox Run and Fox Run. Application received July 23, 1997; permit issued February 19, 1998.

Greensburg District Office, R. D. 2, Box 603-C, Greensburg, PA 15601.

65930105T. Urey Coal Company (222 Forest Ridge Road, Indiana, PA 15701). Transfer of permit currently issued to J & P Fuel Company for a bituminous surface/ auger mine located in Mt. Pleasant Township, **Westmoreland County**, affecting 137.2 acres. Receiving streams: unnamed tributary to Brush Run, to Brush Run. Application received: August 11, 1997. Transfer issued: February 17, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

17910129. Beth Contracting, Inc. (R. D. 1, Box 208-C, Glen Campbell, PA 15742), revisions to an existing bituminous surface mine permit for a change in permit acreage from 87.0 to 90.3 acres, and a stream encroachment on unnamed tributary no. 1 to Little Muddy Run. The variance begins at the confluence with tributary no. 2 thence continues upstream in a northeasterly direction for a distance of 1,000 feet, Gulich Township, **Clearfield County**. Application received October 6, 1997, permit issued February 9, 1998.

17753050. River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847), revision to an existing bituminous surface mine-tipple refuse disposal permit for a change in permit acreage from 715.8 to 727.6 acres and a variance to conduct surface mining activities within 100 feet of an unnamed tributary to the West Branch of the Susquehanna River downstream from its confluence with Mosquito Creek, Karthaus Township, **Clearfield County**. Application received November 7, 1997, permit issued February 11, 1998.

17920108. Warquier Coal Company (P. O. Box 128, Clearfield, PA 16830), revision to an existing bituminous surface mine permit for a change in permit acreage from 51.9 to 60.2 acres, Penn Township, **Clearfield County**, receiving streams: unnamed tributary to Kratzer Run to Kratzer Run to Anderson Creek to the West Branch of the Susquehanna River. Application received June 25, 1997, permit issued February 11, 1998.

17970110. Al Hamilton Contracting Co. (R. R. 1, Box 87, Woodland, PA 16881), commencement, operation

and restoration of a bituminous surface mine-auger permit in Bell Township, **Clearfield County** affecting 256 acres, receiving streams: unnamed tributary no. 3 to Bell Run. Application received June 17, 1997, permit issued February 9, 1998.

17970106. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), commencement, operation and restoration of a bituminous surface mine permit in Decatur Township, **Clearfield County** affecting 119.9 acres, receiving streams: Big Run to Moshannon Creek; Moshannon Creek to West Branch Susquehanna River. Application received April 30, 1997, permit issued February 11, 1998.

Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454.

Noncoal Permits Issued

7775SM8A3C4. John T. Dyer Quarry (Box 188, Birdsboro, PA 19508), renewal of NPDES Permit No. PA0595748 in Robeson Township, **Berks County**, receiving stream Indian Corn Creek and Seidel Creek. Renewal issued February 20, 1998.

Ebensburg District Office, 437 South Center Street, P. O. Box 625, Ebensburg, PA 15931-0625.

No Cost Government Contracts Issued

32-97-02. ACV Power Corporation (403 Main Street, P. O. Box 402, Emlenton, PA 16373). No Cost Government Financed Reclamation Contract involves the removal of approximately 800,000 tons of refuse and the reclamation of 39.4 acres, receiving stream Yellow Creek to Conemaugh River. Application received January 12, 1998, contract issued February 18, 1998.

Hawk Run District Office, P. O. Box 209, Hawk Run, PA 16840.

Small Industrial Mineral Authorizations Granted

08970805. Duane Scott, Jr. (R. R. 2, Box 229B, Towanda, PA 18848), commencement, operation and restoration of a small industrial mineral (bluestone) permit in Asylum Township, **Bradford County**, affecting 2 acres, unnamed tributary to Durell Creek. Application received March 21, 1997, authorization granted February 5, 1998.

ACTIONS TAKEN UNDER SECTION 401: FEDERAL WATER POLLUTION CONTROL ACT ENCROACHMENTS

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Persons aggrieved by this action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and

procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

Actions on applications filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and sections 5 and 402 of The Clean Streams Law (35 P.S. §§ 691.5 and 691.402) and notice of final action for certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)). (Note: Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

Southeast Regional Office, Program Manager, Water Management Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.

E15-555. Encroachment Permit. Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087. To remove an existing dilapidated two-span bridge and to construct and maintain at the same location a single span, 90-foot long bridge, having an average underclearance of approximately 9.75 feet, which will carry SR 0841 across Big Elk Creek and the adjacent 100 year floodway (HQ-TSF-MF). Roadway approaches to the bridge will be improved for a distance of 600 feet to the north and 500 feet to the south. The site is located approximately 5,000 feet north of the intersection of SR 0841 and SR 0472 (Bayview, MD-PA Quadrangle, N: 20.25 inches; W: 0.2 inch) in Elk Township, **Chester County**. A temporary stream crossing and cofferdams will be constructed to facilitate abutment reconstruction.

Northcentral Region, Water Management—Soils and Waterways, F. Alan Sever, Chief, 208 West Third St., Williamsport, PA 17701.

E14-312. Encroachment. Larry M. McCloskey and Gloria J. Ferguson, Box 94, Dell St., Milesburg, PA 16853. To construct, operate and maintain a water intake structure in the channel of an unnamed tributary to Wallace Run to supply water for an off stream pond. The construction work shall consist of installing a 4-inch diameter plastic pipe in the channel. The project is located along the eastern right of way of SR 0144 approximately 4,000 feet north of the intersection of SR 4007 and SR 0144 (Bellefonte, PA Quadrangle N: 19.6 inches; W: 13.5 inches) in Boggs Township, **Centre County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E41-411. Encroachment. Hepburn Township Supervisors, 4350 Bloominggrove Rd., Williamsport, PA 17701. To remove a gravel bar and miscellaneous debris in order to divert approximately 850 feet of Mill Creek from its current bed into the original stream channel. The project is located near the Hepburn Township maintenance building off SR 973 approximately 2 miles northeast of the intersection of SR 973 and US Rt. 15 (Cogan Station, PA Quadrangle N: 11.2 inches; W: 6.0 inches) in Hepburn Township, **Lycoming County**. Estimated stream disturbance is 850 feet of waterway with no wetland impact; stream classification is stocked trout fishery.

E53-306. Encroachment. Jack L. Ripley, R. R. 1, Box 201AC, Coudersport, PA 16915. To construct and main-

tain a 30-foot long, 48-inch diameter corrugated metal culvert with concrete block endwall in North Hollow Creek located approximately 1.5 miles northbound on North Hollow Road from its intersection with SR 0006 (Sweden, PA Quadrangle N: 7.0 inches; W: 9.0 inches) in Eulalia Township, **Potter County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

E55-153. Encroachment. **Pa. Dept. of Transportation**, P. O. Box 218, Montoursville, PA 17754. To repair, operate and maintain a single span bridge that carries SR 1010 Segment-Offset 0040/1625 across an unnamed tributary to Penns Creek. The repair work shall consist of providing bridge and wingwall footing scour protection by installing an 8-inch thick grout mattress in the streambed. The project is located along the southern right-of-way of SR 0204 approximately 2,000 feet south of the intersection of SR 0204 and SR 1010 (Freeburg, PA Quadrangle N: 13.1 inches; W: 0.1 inch) in Penn Township, **Snyder County**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

Southwest Regional Office, Soils and Waterways Section, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E65-677. Encroachment. **Dr. Peter Gabriel**, 8 Adams Lane, Uniontown, PA 15401. To place and maintain fill in 0.42 acre of wetlands (PEM) for the purpose of commercial development located between S. R. 0070 and Finley Road (Donora, PA Quadrangle N: 2.5 inches; W: 12.0 inches) in Rostraver Township, **Westmoreland County**. The permit applicant has met the wetland replacement requirements by participating in the Pennsylvania Wetland Replacement Project.

E65-680. Encroachment. **Davison Sand and Gravel Company**, 400 Industrial Boulevard, New Kensington, PA 15068. To construct and maintain an aerial crossing consisting of a belt conveyor over Pucketa Creek (TSF) located at the existing Lower Burrell facility of Davison Sand and Gravel Company (New Kensington West, PA Quadrangle N: 9.2 inches; W: 1.7 inches) in the City of Lower Burrell/Plum Borough in **Westmoreland and Allegheny Counties**. This permit was issued under section 105.13(e) Small Projects. This permit also includes 401 Water Quality Certification.

ENVIRONMENTAL ASSESSMENT

Central Office: Bureau of Waterways Engineering, 400 Market Street, 6th Floor, P. O. Box 8554, Harrisburg, PA 17105-8554, (717) 787-8568.

D36-029EA. Environmental Assessment. **Manheim Township Parks and Recreation Department** (1840 Municipal Drive, Lancaster, PA 17601). To remove the partially breached Eden Paper Mill Dam for the purpose of restoring the Conestoga River (WWF) to a free flowing condition. The dam is located approximately 600 feet upstream of State Route 23 where it crosses the Conestoga River (Lancaster, PA Quadrangle N: 14.35 inches; W: 1.40 inches) in Manheim and East Lampeter Townships, **Lancaster County**.

SPECIAL NOTICES

DRAFT PENNSYLVANIA STREAMSIDE BUFFER PLAN AVAILABLE FOR REVIEW

Pennsylvanians have developed a draft plan to voluntarily restore and conserve buffers along waterways throughout this Commonwealth. This initiative expands the effort begun under the Chesapeake Bay Program.

According to a 1996 *Adoption Statement*, the Chesapeake Bay jurisdictions are to develop plans by June 30, 1998, to restore and conserve riparian (streamside) forest buffer along 2,010 miles of Chesapeake Bay shoreline and tributaries by the year 2010. Beginning in May of 1997, the Commonwealth convened a series of technical advisory committees to help develop Pennsylvania's plan. This initiative is Statewide and voluntary. Two draft reports comprising this plan have been completed and are available for public review and comment. They are:

- *Pennsylvania Riparian Buffer Initiative Implementation Plan—Report of the Technical Advisory Committees*—a comprehensive 166-page report resulting from the technical advisory committee meetings (DEP Publication No. 3940-BK-DEP2215); and

- *Pennsylvania Stream ReLeaf—A Plan for Restoring and Conserving Buffers Along Pennsylvania Streams*—this is a 46-page summary of the above report (DEP Publication No. 3940-BK-DEP2216).

Copies are being distributed to technical advisory committee members, watershed groups, agricultural groups, county conservation districts, various governmental advisory boards and councils, county planning commissions and land trusts. Additional copies are available through the Bureau of Watershed Conservation, P. O. Box 8555, Harrisburg, PA 17105-8555, attention: Patricia Pingel, (717) 787-5259. Comments on the draft reports will be accepted through April 3.

Public Hearing

102/NPDES/Stormwater Construction Activities

The Department of Environmental Protection (Department) Water Management Program will be holding a fact finding hearing on the following Stormwater NPDES permit application: Belle Capital Corporation, Ltd., United Sports Training Center, PAS10-G303.

The hearing is scheduled for April 15, 1998, at 1:30 p.m. at the Chester County Conservation District Office, Government Services Center, Conference Room 380, 610 Westtown Road, West Chester, PA 19382-4519, Chester County. The hearing is being held to solicit pertinent comments on this application. The application is for stormwater construction activities, with a discharge to an Unnamed Tributary to Valley Run (north) and an Unnamed Tributary to Broad Run (south) (West Brandywine Creek Watershed). A copy of this application is available for review in the Southeast Regional Office's Record Management Section, (610) 832-6268. Those interested in reviewing the application should call to schedule a date to review the file. The project sponsor is Belle Capital Corporation, LTD, 301 Lindenwood Drive, Suite 1, Malvern, PA 19355.

Comments received will be considered by the Department in completing its review and prior to taking final action concerning the application. The hearing will not be a question and answer session.

Persons intending to make a presentation at the hearing should submit written notice to the Regional Manager, Water Management Program at the above address. The notice should include your name, address and phone number, whether you are opposed or in favor of the project and a brief statement about your presentation. Comments should be kept brief and, depending on the number of speakers, may be limited to 10 minutes per speaker. Where groups are represented, a spokesperson is requested to present the group's concerns. Persons wish-

ing to present written material directly to the Department may do so within 30 days following the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Sharon Moore, at (610) 832-6073. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1 (800) 654-5984.

**Selection Process Summary for FY 98 EPA 104(b)(3)
Funding for Acid Mine Drainage Pollution
Abatement Projects in Pennsylvania**

I. Introduction

The Department of Environmental Protection (Department), Bureau of Mining and Reclamation (BMR), is accepting grant project proposals for acid mine drainage (AMD) pollution abatement projects which may be funded during the period October 1, 1998 to September 30, 1999, using FY 98 Clean Water Act Section 104(b)(3) Federal grant money. Monies under the authority of this section are to be used on a watershed basis to fund projects which involve watershed assessments or involve demonstrations of AMD remediation technologies in Pennsylvania's watersheds. These projects must relate to the causes, effects, extent, prevention, reduction, or elimination of water pollution from abandoned coal mines or related facilities. An emphasis will be placed on a watershed approach to water quality improvements and on proposed grant projects which support this approach. Proposals must be a comprehensive blending together of resources (financial and agency/personnel) available to attain the stated goals. Projects must have some way to measure success (environmental results) and should address the root cause of the AMD problem. Proposals should have a long-range plan/commitment to show that efforts will extend beyond the project proposed. Demonstration projects should have potential for Statewide application, if successful.

Watershed Assessment Projects

Assessment projects address a comprehensive investigation of the AMD problem (and other pollution problems) in a specific watershed and the effects on the area's resources, resulting in a watershed rehabilitation plan which specifies the type and estimated costs of remediation practices which are needed to restore and maintain water quality. The rehabilitation plan will have the following components:

1. A description of the watershed area in which rehabilitation can occur within a reasonable time, at a reasonable cost and to achieve defined goals.
2. An identification of the problem.
3. A detailed description of the goals.
4. A detailed description of the solution needed to restore and maintain water quality.
5. An estimate of the technical and financial resources needed to implement the plan.
6. A tentative schedule for implementation.
7. A plan for measuring success.

AMD Remediation Technology Demonstrations

Technology demonstrations must deal with some aspect of AMD pollution which has Statewide benefit. Information gained, or developed, must be easily transferable. The project must result in practices that will reduce AMD pollution. Demonstration projects must show integration with other agencies (other State, Federal and local

projects/agency activity in the watershed) or show a strong public/private partnership. Projects must demonstrate how specific restoration technologies will have a quantifiable effect on water quality and must show a specific link between the technology implementation and measurable environmental results. Load calculations, before and after monitoring data, and miles of stream recovered are appropriate measures of results.

II. Guiding Principles

A. Partnerships among the Department, landowners, watershed associations, local governments, environmental groups and other State and Federal agencies are essential to abating AMD in an effective and efficient manner.

B. Priority for the use of available Federal funds will be given to projects that have matching sources of funds, including "in-kind" contributions.

C. Priority for the use of available Federal funds will be given to projects where there are institutional arrangements for long-term operation and maintenance costs.

D. Priority for the use of available Federal funds will be given to projects that have the greatest public benefit for the least cost.

III. Goals

A. To support the Department's efforts to restore Pennsylvania's AMD impacted streams and watersheds.

B. To support the efficient and effective coordination of AMD abatement efforts in this Commonwealth among local citizens, watershed associations, industry and local, State and Federal agencies so as to maximize results using limited funding.

C. To continue funding of restoration projects on the Department's Comprehensive Mine Reclamation Strategy (CMRS) pilot watershed studies.

D. To support the Department's program for Pennsylvania's Comprehensive Plan for Abandoned Mine Reclamation (CPAMR) efforts.

E. To promote the restoration of land and water resources through re-mining.

F. To support the development of watershed rehabilitation plans which will support the establishment of Total Maximum Daily Load (TMDL) assessments.

IV. Selection Criteria

A. Criteria

1. Environmental Gain

a. Will the project result in long-term measurable stream water quality improvement which will enable the reestablishment of biological communities and fish habitat?

b. Project's likelihood of success.

c. Sponsor's past related experience.

d. Can the project be completed in 1 to 2 years?

e. Does the project minimize the administrative or overhead cost in relation to on-the-ground construction related activity cost?

f. Is there any active mining nearby?

2. Community Involvement

a. Will the project result in the formation of a strong partnership between local watershed groups, local, State and Federal agencies?

b. Will the project have other sources of matching funding?

c. Is funding committed for identified operations and maintenance costs?

d. Does the project have landowner consent?

e. Will the project result in a positive public response?

3. Department Objectives

a. Will the project promote the restoration of land and water resources through re-mining?

b. Does the project support a CMRS watershed rehabilitation plan or other existing comprehensive watershed rehabilitation plan?

c. Will the project include a public education component?

d. Will the project result in an approved CPAMR Watershed Rehabilitation Plan?

e. Is the project within a priority watershed identified on the Department's 1996 Section 303(d) report as affected by abandoned mine drainage?

f. Will the project result in establishing TMDLs or implement an established TMDL?

4. Administrative Requirements

a. Are project goals, tasks, milestones and main budget categories clearly identified?

b. Is the proposal short and concise?

c. Does the proposal clearly identify the roles and responsibility of the participating players?

V. Project Solicitation/Selection Schedule

A. Request for Proposals	(February 15, 1998— April 15, 1998)
B. Staff Review and Scoring	(April 16, 1998— May 1, 1998)
C. Letters to Successful/ Unsuccessful Candidates	(May 25, 1998)
D. Submit EPA 104(b)(3) grant	(June 1, 1998)
E. Finalize subgrant agreements	(June 1, 1998— October 1, 1998)

VI. Expected Award Date

Expected award date of section 104(b)(3) money to the Department from the EPA is October 1, 1998.

VII. Preparation of Proposals

A. General—The following general format should be used in preparing all documents:

1. Minimum margins (top, bottom, left and right) of 1 inch on 8.5 × 11 inch paper

a. Font size shall be no smaller than 12.

B. Economy of Preparation—Proposals should be prepared simply and economically, providing a straightforward, concise description of the problem and the implementation plan and should not exceed seven pages.

C. Format—All proposals need the following:

1. Cover Sheet:

a. Date

b. Project Name

c. County/Municipality

d. Watershed Name

e. Sponsor(s)

f. Address(es) and Telephone Number(s)

g. Requested Amount of Funding

h. Source and Amount of Matching Funds

i. Contact Person

2. Body of Proposal (format depends on project type—see following)

a. *For Watershed Assessments*

(1) Title

(2) Project Summary

(a) One or two paragraph summary of the watershed, information from previous studies, future needs and rationale for proposal.

(3) Introduction

(a) General description of watershed, including location, size, major tributaries.

(b) Summary of what is known water quality and point and nonpoint source pollution (AMD and others) in the watershed. Use previous studies conducted by State, Federal and local agencies which give background water quality or characterize pollution sources or potential problem areas in the watershed. (Possible agencies to contact: PA Fish and Boat Commission, DEP, DCNR, PDA, NRCS, Conservation Districts, USGS, and the like).

(4) Project Justification

(a) Describe the reasons why this assessment should be funded. This could include how abatement and restoration projects in this watershed fit in with NPS management plans or CPAMR; whether watershed is identified in the section 303(d) report as requiring establishment of TMDLs; how information gathered during the assessment will be used in future planning or remediation projects; what the expected results of the project will be.

(5) Involvement

(a) Determine who will be responsible for collecting the data or determining information needs and who will participate in the proposed project at various levels. Local or regional involvement is a crucial part of the assessment. Include any watershed associations, school groups, community organizations that will be associated with the proposed assessment and remediation project. This should also include initiatives on how information will be distributed or participation in remediation will be accomplished. Integration with Federal or State agencies is also important. Appropriate letters of intent from all associated groups should be included with the proposal.

(6) Monitoring Plan

(a) Water quality monitoring will be funded only to fill information/data gaps needed to do an assessment of current conditions. Monitoring must follow protocol to be developed by the Department. The protocol will be discussed after your project is funded. Justifiable monitoring should not exceed 20% of the budget.

(7) Starting Date, Milestones and Tasks

(a) A tentative schedule of project tasks should be detailed. This should include preliminary details and gathering of background information; collection of samples and field determinations; determination of type of abatement needed; preparation of remediation plans; education, citizens outreach and news releases on the project. A 1-year to 2-year schedule is acceptable.

b. *For AMD Technology Demonstrations*

- (1) Title
- (2) Project Summary

(a) One or two paragraph summary of the AMD technology being demonstrated, the AMD pollution problem it will solve, the expected environmental improvement and how AMD technology will be furthered by this demonstration.

(3) Introduction

(a) Describe the watershed (location, size, overall problems or existing situation). Include any specially designated areas, and any other initiatives in the watershed.

(4) Project Description

(a) Project Justification or Definition of Problem

(i) Describe why the project is needed, scope of the problem and current status; how project addresses the root cause. Give background water quality information, if available. Include, where available:

- Source of AMD (that is, surface mine discharge, deep mine discharge, refuse pile discharge, and the like)
- Chemistry data (identify source of information)
- Flow data (indicate minimum and maximum flows and method of measurement)
- Pollution loading to stream
- Biological data (identify source of information)

(ii) Include maps to show location (comparable to USGS Topo one inch = 24,000)

(b) Relationship to Watershed Management Programs

(i) Identify if the project falls within a watershed management program (that is, BMR's CMRS watershed program, Bureau of Abandoned Mine Reclamation's CPAMR, and the like).

(c) Site Information

- (i) Describe any active mining near the project site.
- (ii) Is the project located at, or near, an abandoned mine?
- (iii) Do you have the landowner's consent to construct the project? Provide the landowner's name, address and telephone number and a copy of a document which gives the landowner's consent (that is, letter, lease, and the like).

(5) Implementation Plan

(a) Goals/Objectives

(i) Describe what is to be accomplished. Describe the new technology that will be tested and what makes this technology unique from previous technology demonstrations.

(b) Proposed or Expected Outcomes/Results

(i) Describe the expected measurable environmental results in terms of stream water quality improvement to the point that biological communities/fish habitat will be reestablished and provide supporting background data. Show how goals will be achieved through quantifiable measures (for example, reduced loading by X tons/day to meet TMDL, or streams miles improved).

(c) Project Participants/Agencies

(i) Identify partners/responsible parties that will become involved. Identify and describe the local commit-

ment to the project. Describe past successes with other agencies/programs in the watershed.

(d) Milestones/Tasks (Tabular and Descriptive)

(i) Provide a project schedule with outputs, dates and responsible parties listed. Use a timeline or table to show dates for each goal; names of cooperating agencies or organization for each. A 1-year schedule is appropriate; a 2-year schedule is possible.

(ii) Describe the tasks. List schedule of implementation of technology demonstration.

(e) Monitoring Plan for Measuring Results

(i) For biological, chemical, habitat and/or physical monitoring, include information on sampling procedures, monitoring parameters, locations of sampling sites, frequency of collection, data usage, data format and costs.

(f) Information/Education

(i) If part of the project, describe the target audience and how they will participate. Describe how information learned or demonstrated will be transferred to other areas. Describe techniques employed to gain local government and community support.

(g) Project Maintenance Plan

(i) Provide an operation/maintenance plan describing who and how the project will be operated and maintained after the project is completed. Identify any committed funding sources for these operation and maintenance activities.

D. Budget

1. Show total budget breakdown using the following required categories:

- a. Salaries
- b. Benefits
- c. Travel
- d. Equipment (list items greater than, or equal to, \$4,500)
- e. Supplies (list)
- f. Administrative (training, rent, phone, and the like)
- g. Contractual Services (list)
- h. Construction
- i. Other (list)
- j. In-kind Contribution
- k. Other sources of funds

VIII. Submission of Proposals

A. Mailing and Delivery Address

1. Applications should be mailed (U. S. Postal Service, First Class) to: David C. Hogeman, Chief, Division of Environmental Analysis and Support, Bureau of Mining and Reclamation, PA Department of Environmental Protection, P. O. Box 8461, Harrisburg, PA 17105-8461; or may be delivered Monday through Friday, except holidays, from 8 a.m. to 4 p.m. to: David C. Hogeman, Chief, Division of Environmental Analysis and Support, Bureau of Mining and Reclamation, PA Department of Environmental Protection, 5th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101-2301.

B. Deadline Submission Date

1. Deadline for receipt of proposals at the Bureau of Mining and Reclamation is 4 p.m., (EST), April 15, 1998.

2. Proposal shall be considered timely if it is received at the specified location on, or before, the established deadline date and time.

IX. Reporting Requirements

A. Status Reports

1. A work status report shall be submitted on a quarterly basis and shall outline the completion status for each work element, give reasons for significant deviations from the scheduled plan of work and how the deviations will be corrected, and identify what activities will be performed in the next quarter.

B. Final Reports

1. Watershed Assessments

a. The end product of a watershed assessment project shall be the preparation and submission of a Watershed Rehabilitation Plan which will satisfy the requirements described in the Department's CPAMR. This rehabilitation plan will be the foundation upon which reclamation projects will be developed and receive State and Federal funding. When dealing with water pollution problems, the rehabilitation plan must identify all of the environmental problems within the watershed area, not just those related to mining. Alternative solutions to the mining-related problems must be identified, including a cost estimate for each alternative. For nonmining-related problems, the status of cleanup efforts must be discussed and/or referrals made to the appropriate regulatory body. A proposal for financing the plan and time schedule for implementation should be included. An outline for the rehabilitation plan is as follows:

(1) Description of the Manageable Area. In general, a manageable area is one in which rehabilitation can occur within a reasonable time, at a reasonable cost and achieve defined goals.

(2) Problem Definition.

(3) Goals.

(4) Solutions.

(5) Financing.

(6) Implementation.

(7) Measures of Success.

The CPAMR document can be accessed on the WEB at the following address: www.dep.state.pa.usa/dep/deputate/mines/bamr/Documents/Comp_Plan.htm. Requests for copies of this document, and any questions regarding the CPAMR, should be directed to: Ernest F. Giovannitti, Director, Bureau of Abandoned Mine Reclamation, PA Department of Environmental Protection, P. O. Box 8476, Harrisburg, PA 17105-8476, (717) 783-2267.

2. AMD Demonstration Projects

a. Recipient shall prepare a report summarizing the work completed and an analysis of the success of the project. All monitoring data should be attached as an appendix.

X. Reimbursement Process

A. Payments will be made for reimbursements of actual costs, not to exceed a predetermined amount, incurred by the sponsor upon presentation of properly certified documents.

XI. Limitations of Funding

A. The Department reserves the right to support, or not to support, in whole or in part, any or all applications received, and to determine the number of awards to be

made through the solicitation, subject to funds available. Approximately \$175,000 is expected to be available for this Program Solicitation.

[Pa.B. Doc. No. 98-380. Filed for public inspection March 6, 1998, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are on DEP's World Wide Web site (<http://www.dep.state.pa.us>) at the Public Participation Center. The "January 1998 Inventory" heading is the Governor's List of Nonregulatory Documents. The "Search the Inventory of Technical Guidance Documents" heading is a database of the Inventory. The "Final Documents" heading is the link to a menu of the various DEP bureaus and from there to each bureau's final technical guidance documents. The "Draft Technical Guidance" heading is the link to DEP's draft technical guidance documents.

DEP will continue to revise its documents, as necessary, throughout 1998.

Ordering Paper Copies of DEP Technical Guidance

Persons can order a bound paper copy of the latest Inventory or an unbound paper copy of any of the final documents listed on the Inventory by calling DEP at (717) 783-8727.

In addition, bound copies of some of DEP's documents are available as DEP publications. Persons should check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Here is the current list of recent changes. Persons who have any questions or comments about a particular document should call the contact person whose name and phone number is listed with each document. Persons who have questions or comments in general should call Jonathan Brightbill at (717) 783-8727.

Final Technical Guidance—Minor Revision

DEP ID: 362-0300-003 Title: A Guide for Preparing Act 537 Update Revisions Description: This document is guidance to municipalities and their consultants concerning the presentation of specifics and details upon which the Department bases its Act 537 official plan update revision approvals. Effective Date: February 4, 1998 Page Length: 114 pages Location: Vol 33, Tab 25 Contact: Milt Lauch at (717) 787-8184

DEP ID: 362-4000-002 Title: Field Manual for Compliance Orders Description: Provides summary information on compliance orders and how they are used by the Bureau of Water Quality Protection as an enforcement tool. Effective Date: February 1, 1998 Page Length: 29 pages Location: Vol 33, Tab 17 Contact: Milt Lauch at (717) 787-8184

Draft Technical Guidance—New Guidance

DEP ID: 580-2200-005 Title: Section 242(c): Criteria for Authorizing Entries in Common with the Belt Conveyor Entry under Section 702 Description: Indicates a set of standards for ventilating a belt conveyor entry in common with other entries. Anticipated Effective Date: Spring 1998 Deadline for Submittal of Comments: April 3, 1998 Contact: Richard Stickler at (724) 439-7469

Draft Technical Guidance—Substantive Revision

DEP ID: 563-2112-605 Title: Water Supply Replacement and Permitting Description: Guidance addresses factors which establish whether or not an adequate water supply replacement has been demonstrated for existing water supplies which may be impacted by mining. Anticipated Effective Date: May 4, 1998 Deadline for Submittal of Comments: April 2, 1998 Contact: Keith Brady at (717) 783-8845

JAMES M. SEIF,
Secretary

[Pa.B. Doc. No. 98-381. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF HEALTH

Governor's Council on Physical Fitness and Sports Meeting

The Governor's Council on Physical Fitness and Sports is scheduled to hold a meeting on March 18, 1998, from 9 a.m. to 12:30 p.m. in Room 9-B, 9th Floor, Forum Place, Harrisburg, PA.

For additional information, or persons with a disability who desire to attend the meeting and require an auxiliary aide, service or other accommodation to do so, contact Emilie M. Tierney, Director, Department of Health, Bureau of Chronic Diseases or Terry L. Walker, Administrative Officer, at (717) 787-6214. TDD: (717) 783-6514 or Network/TDD: (8) (717) 433-6514.

This meeting is subject to cancellation without notice.
DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-382. Filed for public inspection March 6, 1998, 9:00 a.m.]

Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board is scheduled to hold a meeting on March 11, 1998, from 10 a.m. to 1 p.m. at the Pennsylvania Medical Society Building, Room D, 777 East Park Drive, Harrisburg, PA. Anyone wishing to attend the meeting or who has questions regarding the meeting should contact Susan F. George, Program Manager, Department of Health, Cancer Control Program, 1011 Health and Welfare Building, Harrisburg, PA, at (717) 787-5251.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, should contact Susan F. George at (717) 787-5251. TDD: (717) 783-6514/Network TDD: 8-433-6514.

DANIEL F. HOFFMANN,
Secretary

[Pa.B. Doc. No. 98-383. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Public Hearing Canceled

This is a notice by the Department of Labor and Industry, Asbestos/Lead Section, that a public hearing will not be held on March 11, 1998, at 10 a.m., in Room 162E of the Labor and Industry Building. A public hearing will not be held because the Department did not receive any comments by the February 17th deadline regarding its intent to seek regulatory approval of its Lead Accreditation and Certification Program.

If individuals have questions regarding this notice, contact Sharon Lawson, Administrator, Asbestos/Lead/PEAL Section, at (717) 772-3396.

JOHNNY J. BUTLER,
Secretary

[Pa.B. Doc. No. 98-384. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Notice of Rule Change—Drug and Alcohol Clinics with Provisional Licenses

The Department of Public Welfare (Department) announces that effective March 1, 1998, enrolled outpatient drug and alcohol clinic providers that are issued provisional licenses from the Department of Health, Division of Drug and Alcohol Program Licensing, may participate in the Medical Assistance Program.

This Rule Change will be adopted by final rulemaking to 55 Pa. Code, Chapter 1223 (relating to outpatient drug and alcohol services). Failure to implement this rule change may result in undue hardship for eligible Medical Assistance recipients who may not have access to adequate drug and alcohol services.

This Rule Change has been reviewed by the Office of General Counsel and the Office of Attorney General.

This Rule Change is made under the Joint Committee on Documents Resolution 1994-1 (3), 24 Pa.B. 2348, and will be in effect for 180 days pending adoption of rulemaking by the Department.

Contact Person

Interested persons are invited to submit written comments to this notice within 30 days of this publication. Comments should be sent to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Suzanne Love, Room 515 Health and Welfare Building, Harrisburg, PA 17120.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). If another alternative is required, contact Thomas Vracarich at (717) 783-2209.

Purpose

The purpose of this bulletin is to revise the medical assistance (MA) enrollment policy for outpatient drug and alcohol clinics.

Scope

This bulletin applies to outpatient drug and alcohol clinics enrolled or considering enrollment in the MA Program under the Fee-For-Service delivery system and managed care organizations under contract with the Department.

Background

MA regulation at 55 Pa. Code, § 1223.41 states:

“§ 1223.41. Participation requirements.

In addition to the participation requirements established in Chapter 1101 of this title (relating to general provisions), drug/alcohol clinics must meet the following participation requirements:

(1) Have current full licensure as a drug/alcohol outpatient facility by the Governor's Council on Drug and Alcohol Abuse. To remain eligible for medical assistance reimbursement, a facility must be fully licensed at all times as a drug/alcohol outpatient clinic. Any conditional or provisional licensure or approval, or substandard compliance with full licensure will render the facility ineligible to receive medical assistance reimbursement for the conditional/provisional period.”

Discussion

Since responsibility for licensing drug and alcohol clinics rests with the Department of Health (DOH), Division of Drug and Alcohol Program Licensing, the Office of Medical Assistance Programs is revising its regulations to delete references to the Governor's Council on Drug and Alcohol Abuse.

To be consistent with DOH, Drug and Alcohol Program licensing, MA is revising its regulations to allow a clinic with a provisional license to bill for covered services rendered to eligible recipients.

Under the DOH regulations, a provisional license does not prohibit a clinic from treating patients. New clinics are issued provisional licenses for a 6-month period following an initial Drug and Alcohol Program Licensing site inspection. Within the 6-month period the clinic must demonstrate that it can provide the services required by regulation. If the clinic meets these regulations, the DOH, Division of Drug and Alcohol Program Licensing will issue the clinic a full license. If the clinic does not meet the licensing regulations within the 6-month period, the clinic may receive another provisional license.

A fully licensed facility may receive a full or provisional license after its yearly inspection. If the clinic receives a provisional license, the clinic has 6 months to meet regulations. If the clinic does not meet Drug and Alcohol Program licensing regulations within the 6-month period, the clinic may receive another provisional license.

This change does not affect the participation requirement set forth at § 1223.41(8) which states: “. . . *It is the clinic director's responsibility to notify the Office of Medical Assistance Programs, in writing, of any changes in the clinic's full compliance with licensure standards ...within 30 days following any change.* . . .” (emphasis added). For example, if a fully licensed clinic is issued a provisional license, the clinic director must notify MA in writing of the change in status. Conversely, when a clinic with a provisional license is granted a full license, the clinic director must also notify MA of the change.

Policy

Effective March 1, 1998, 55 Pa. Code, § 1223.41 will read as follows:

§ 1223.41. Participation requirements.

In addition to the participation requirements established in Chapter 1101 of this title (relating to general provisions), drug/alcohol outpatient clinics must meet the following participation requirements:

(1) Must be fully or provisionally licensed/approved as an outpatient drug/alcohol facility by the Department of Health. To remain eligible for Medical Assistance reimbursement, an enrolled facility must be fully or provisionally licensed/approved at all times as an outpatient drug and alcohol clinic.

Procedure

To enroll in the MA Program or to notify MA of any changes in licensing status, forward the appropriate information to: Office of Medical Assistance Programs, Provider Enrollment Unit, P. O. Box 8045, Harrisburg, PA 17105.

FEATHER O. HOUSTOUN,
Secretary

Fiscal Note: 14-NRC-72. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 98-385. Filed for public inspection March 6, 1998, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. Subsection 513(e)(7), intends to sell certain land owned by it located along State Route 3027 in the City of Scranton, Lackawanna County. The parcel contains 21.25 acres of unimproved land. Fair market value is \$680,000.00. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Pennsylvania Department of Transportation, Charles M. Mattei, P.E., District Engineer, Engineering District 4-0, Dunmore, P. O. Box 111, Scranton, PA 18501.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-386. Filed for public inspection March 6, 1998, 9:00 a.m.]

Contemplated Sale of Land No Longer Needed for Transportation Purposes

Notice is hereby given that the Department of Transportation, pursuant to 71 P. S. 513(e)(7), intends to sell certain land owned by it.

The following is a list of the properties for sale by the Department.

1. Blair Township, Blair County. The parcel contains 0.56 acres of unimproved land situated at Box 205 Old Bedford Street, Newry, PA. Estimated fair market value is \$14,625.00.

2. Antis Township, Blair County. The parcel contains 1.41 acres of unimproved land situated along the north-bound lane of I-99 at Station 1575, formerly known as 105 Bland Street, Tyrone, PA. Estimated fair market value is \$550.00.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Earl L. Neiderhiser, P.E., District Engineer, PA Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-387. Filed for public inspection March 6, 1998, 9:00 a.m.]

Retention of Engineering Firms

Bucks, Montgomery and Philadelphia Counties Project Reference No. 08430AG2165

The Department of Transportation will retain an engineering firm to provide construction management services for the reconstruction and improvement of I-95 in the City of Philadelphia, and for other various projects located in Philadelphia, Bucks and Montgomery Counties, Engineering District 6-0.

The three (3) design projects will be as follows: S. R. 0095, Section RES in Philadelphia County; S. R. 0476, Section PM7 in Montgomery County; S. R. 2001, Section B02 in Philadelphia County.

The fourteen (14) construction contracts will be as follows: S. R. 0095, Section RS1 in Philadelphia County; S. R. 0095, Section RS2 in Philadelphia County; S. R. 0095, Section RS3 in Philadelphia County; S. R. 0132, Section M00 in Bucks County; S. R. 0132, Section M01 in Bucks County; S. R. 0413, Section 005 in Bucks County; S. R. 0513, Section S13 in Bucks County; S. R. 0363, Section 01N in Montgomery County; S. R. 0476, Section PM7 in Montgomery County; S. R. 3003, Section 002 in Philadelphia County; S. R. 0676, Section TIM in Philadelphia County; S. R. 2001, Section B01 in Philadelphia County; S. R. 0076, Section PM3 in Philadelphia County; S. R. 0076, Section PM4 in Philadelphia County.

I-95 is a limited-access, three to four-lane (directional) Interstate highway, located within commercial, industrial, institutional, recreational and residential districts in the City of Philadelphia. The project will begin near Westmoreland Street and terminate at approximately Academy Road. Within these limits, the I-95 projects will reconstruct approximately one mile (1.6 km) of pavement and eight structures. Major construction items consisting of bridge superstructure rehabilitation, bridge deck demolition and reconstruction, roadway demolition and reconstruction, signing, sign structures, lighting, drainage, and landscaping, all being done while maintaining vehicular traffic.

The construction of the eleven (11) projects involves reconstruction and/or rehabilitation of various heavily traveled roadways in Bucks, Montgomery and Philadelphia Counties. Major items of work include structure reconstruction, roadway reconstruction, widenings, drainage, milling and bituminous overlays, signing, landscaping and other items associated with highway construction.

The required Construction Management Services will include, but not be limited to, the following:

Analyze contractor's CPM schedules and monitor progress during construction; facilitate at progress meetings and record minutes; review and make recommendations on construction and design problems; review design changes and make recommendations; evaluate value engineering proposals; perform constructability reviews; prepare correspondence for signature on all issues; tract all submissions including shop drawings; review and prepare responses on potential claims and assist in resolving claims; furnish change order evaluations and assist in their preparation; coordinate and participate in community relations including personal contacts with community representatives and community meetings; coordinate work with other agencies and utility companies; and assist in highway construction related problem-solving with the Department's field and office staff as well as the consultant designer.

The I-95 project will require Construction Management Services during the design phase as well as the construction phase. Most of the other projects will require these services only during the construction stage.

The selected firm will be required to establish a field office in Pennsylvania within approximately one mile from I-95 and between Woodhaven Road and the Benjamin Franklin Bridge. This field office will be fully equipped to meet the needs of the Construction Management Staff and will contain office equipment, furniture, photocopying capabilities, telephones, fax facilities, and a conference room able to accommodate twenty people. One desk with a telephone and two parking spaces are to be provided for use by Department and Federal Highway Administration personnel.

Firms providing final design, construction inspection, or constructability review services for any of the above projects are not eligible for this assignment.

Firms who are performing work for contractors presently working on Department Construction contracts, or firms who intend to perform work for contractors during the time period of the Construction Management agreement, cannot be a member of the Construction Management Team.

The active members of the Construction Management Team will vary depending on the work schedule, but the following personnel will be required: One Project Manager (Must be a PA Professional Engineer); Two Construction Engineers (One must be a Professional Engineer); Two Schedule Engineers; and One Technician and a Secretary/Receptionist.

The following factors, listed in their order of importance, will be considered by the Consultant Selection Committee during the evaluation of the firms submitting Letters of Interest:

a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information section of the Pennsylvania Bulletin.

b. Specific experience of the individuals listed for each position who constitute the proposed project team with emphasis on their background in coordinating construction projects, working for the owner in an Owner-in-Charge environment, and familiarity with PennDOT procedures and specifications.

c. Specific public relations experience and technical competence which would demonstrate the ability to communicate the Department's message to the public.

d. Past record of performance with the Department or other similar agencies with an emphasis on the quality of the work and ability to meet deadlines.

e. Current workload and capacity of firm to be responsive to the needs of the Department in a timely manner.

f. Experience in similar types of construction management assignments.

g. Responsiveness to the requirements of this proposal and its knowledge of the construction to take place on the projects. (Shortlisted firms will be required to make an oral presentation).

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this Agreement is contained in the General Requirements and Information section after the advertised projects.

The second copy of the Letter of Interest and required form (see General Requirements and Information section), shall be sent to Mr. Andrew L. Warren, District Administrator, District 6-0, 200 Radnor-Chester Road, St. Davids, Pennsylvania 19087.

Any technical questions concerning the requirements for this Agreement should be directed to Mr. Leo Leonetti, P.E. or Mr. Joseph F. Meehan, P.E., at (610) 964-6555 or Mr. Marshall Linton, P.E. at (610) 964-6684.

Any questions concerning the submittal of the Letter of Interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Allegheny, Beaver and Lawrence Counties
Project Reference No. 08430AG2166**

The Department of Transportation will retain an engineering firm for an Open-End Contract for various engineering services and environmental studies on various projects located in Allegheny, Beaver and Lawrence Counties in Engineering District 11-0. The Contract will be for a sixty (60) month period with projects assigned on an as-needed basis. The required services may encompass a wide range of design and environmental efforts with the possibility of several different types of projects having short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacements or bridge rehabilitations with minor approach work, roadway betterments (3R Type), Capital Improvement Projects (bridges or roadways), and minor location studies. The maximum amount of the Open-End Contract will be One Million (\$1,000,000.00) dollars.

The Department will establish an order of ranking of a minimum of three (3) firms for the purpose of negotiating an Open-End Contract based on the Department's evaluation of the acceptable letters of interest received in response to this solicitation. The ranking will be established directly from the letters of interest. Technical proposals will not be requested prior to the establishment of the ranking.

a. Ability to package and present the Letter of Interest in accordance with the "General Requirements and Information section.

b. Specialized experience and technical competence of firm.

c. Past record of performance with respect to cost control, work quality, ability to meet schedules, and previous experience on Open-End Contracts. The specific experience of individuals who constitute the firms shall be considered.

d. Available staffing for this assignment.

e. Firm's use and choice of subconsultants.

f. Current Workload.

g. Location of Consultant in respect to the District.

Letters of interest for these projects will only be accepted from individuals or firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The firm may be required to perform any or all of the following engineering services: attend field views and prepare minutes; prepare submissions for field views and safety review meeting; field surveys; plot topography and cross sections; prepare submissions and materials necessary for the Department to prepare the application to Public Utility Commission (PUC) for the PUC field conference; attend and supply any required information for all PUC meetings and hearings during project design; develop erosion control details and narrative; develop right-of-way plans; prepare type, size, and location reports; prepare hydraulic report for waterway approval; prepare bridge drawings; traffic control plans and narrative; procure core borings; provide the soil and foundation engineering report; investigate utility and property involvement; prepare and disseminate right of entry letters; prepare prints and information required for a value engineering review; make the necessary investigations and adjustments to the design as a result of the value engineering review comments; make all necessary contact with railroad-related costs estimates, permits, insurance, approvals, and other required information; collect traffic signal timing and accident data; perform traffic counts and speed delay studies; prepare plans for signal design and implementation of signal interconnections; evaluate alternatives using benefit/cost analysis; document study activities and findings; and prepare construction plans, specifications, and estimates.

The format and content of all documents, plans and specifications will be consistent with applicable State and Federal regulations and guidelines.

The firm may be required to perform any or all of the following environmental studies: air quality; surface water and groundwater hydrology; terrestrial ecology; wetlands; soils; geology; farmland; visual quality; socioeconomic; cultural; Section 4(f) and Section 106 documents; and other related studies not identified above. The environmental studies will be conducted in accordance with Department policy and accepted analysis techniques and methodologies.

The firm may also be required to perform any or all of the following in order to ensure a complete environmental investigation has been performed: provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data; assess impacts; conduct agency and public involvement activities; and prepare reports and design mitigation plans.

The reports and other written graphic material to be prepared may include, but are not limited to, early coordination and scoping correspondence; meeting minutes; public meetings and hearing presentations; handouts and displays; technical basis reports and/or technical files; NEPA environmental documents; Section 106 docu-

ments; Section 4(f) evaluations; mitigation plans and reports; and wetland and floodplain findings.

The engineering services and environmental studies identified above are the general work activities that can be expected under this Open-End Contract. A more specific and project-related scope of work will be outlined for each individual Work Order developed under this Open-End Contract.

The second copy of the Letter of Interest and required forms (see General Requirements and Information section), shall be sent to Mr. Henry Nutbrown, P.E., District Engineer, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. Attention: Mr. Robert M. Collins, P.E.

Any technical questions concerning the requirements for this project should be directed to Mr. Robert M. Collins, P.E., District 11-0, at (412) 429-4928.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

**Elk County
Project Reference No. 08430AG2167**

The Department of Transportation will retain an engineering firm to provide final design for S. R. 0219, Section C08 (the Bradford Bypass Extension) in McKean County.

This project is the extension of the existing Bradford Bypass. The project involves spanning Owens Way with a two lane bridge, constructing 0.8 miles of two lane roadway and two ramps. The existing roadway will be a dead end at a location near the Kwik Fill gas station once the new roadway is constructed. Approximately 3.23 acres of wetland creation will be incorporated into this project. The estimated construction cost is \$5.0 million.

Traffic for S. R. 0219, Section C08 will be maintained on existing S. R. 0219 utilizing temporary roadways and daylight flagging operations as necessary.

The engineering firm will be required to perform surveys; preliminary design/Step 9; utility coordination; wetland mitigation plan; final roadway design; final right-of-way plan; structure design; signing, pavement marking and delineation design/plans; erosion and sedimentation control plan; traffic control plan; geotechnical engineering; and the construction plans, specifications, and estimates.

This project will be performed in English units.

The letters of interest, at a minimum, should indicate how the selected firm will accomplish the tasks or provide the services identified and the names and resumes of individuals and firms to be utilized to provide the services. The anticipated duration of the agreement is two years.

The following factors, listed in order of importance, will be considered by the Consultant Selection Committee during the evaluation of the firms submitting letters of interest:

- a. Ability to package and present the letter of interest in accordance with the "General Requirements and Information Section".
- b. Specialized experience and technical competence of firm.
- c. Specialized experience, previous experience, technical competence of individuals who constitute the firm.

- d. Special requirements of this final design assignment.
- e. Current workload and capacity of firm to perform work.

- f. Past record of performance with respect to cost control, work quality, and ability to meet schedules.

The shortlisting for this project(s) will be done at the District. All firms submitting letters of interest will be notified by the District for the shortlisting date.

The goal for Disadvantaged Business Enterprise (DBE) participation in this agreement shall be 15% of the total contract price. Additional information concerning DBE participation in this agreement is contained in the General Requirements and Information Section after the advertised projects.

The second copy of the letter of interest shall be submitted to Mr. George Khoury, P.E. 1924-30 Daisy Street, Box 342, Clearfield, PA 16830. Attention: Mr. Vasco Ordonez.

Any technical questions concerning the requirements for this agreement should be directed to Mr. Vasco A. Ordonez, P.E., District 2-0, at (814) 765-0439.

Any questions concerning the submittal of the letter of interest can be directed to the Consultant Agreement Division at (717) 783-9309.

General Requirements and Information

Firms interested in providing the above work and services are invited to submit two copies of a Letter of Interest and required information for each Project Reference Number for which the applicant wishes to be considered.

The first copy of the Letter of Interest and required information must be submitted to: Mr. Charles W. Allwein, P.E., Chief, Consultant Selection Committee, 7th Floor, Forum Place, 555 Walnut Street, P. O. Box 3060, Harrisburg, PA 17105-3060.

Note: The Zip Code for express Mailing is 17101-1900.

The Letter of Interest and required information must be received within twenty (20) calendar days of this Notice. The Deadline for receipt of a Letter of Interest at the above address is 4:30 p.m. prevailing time of the twentieth day.

The second copy of the letter of interest and required information must be submitted to the appropriate District Engineer/Administrator or the Bureau Director as indicated in the individual advertisement. This copy must be postmarked or delivered on or before the deadline indicated above.

If an individual, firm, or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, said individual, firm, or corporation may do so as part of a Joint Venture with an individual, firm, or corporation which is permitted under the state law to engage in the practice of engineering.

If a Joint Venture responds to a project advertisement, the Department of Transportation will not accept separate Letters of Interest from the Joint Venture constituents. A firm will not be permitted to submit on more than one (1) Joint Venture for the same Project Reference Number. Also a firm that responds to a project as a prime may not be included as a designated subcontractor to another firm that responds as a prime to the project. Multiple responses under any of the foregoing situations will cause the rejection of all responses of the firm or

firms involved. The above does not preclude a firm from being set forth as a designated subcontractor to more than one (1) prime responding to the project advertisement.

If a goal for Disadvantaged Business Enterprise (DBE) participation is established for an advertised project, firms expressing interest in the project must agree to ensure that Disadvantaged Business Enterprise (DBE) firms as defined in the Intermodal Surface Transportation Efficiency Act of 1991 and currently certified by the Department of Transportation shall have the maximum opportunity to participate in any subcontracting or furnishing supplies or services approved under Form 442, Section 1.10(a). The Act requires that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The goal for DBE participation shall be as stated in the individual project advertisement. Responding firms shall make good faith efforts to meet the DBE goal using DBEs (as they were defined prior to the act), WBEs or combinations thereof.

Proposing DBE firms must be certified at the time of submission of the Letter of Interest. If the selected firm fails to meet the established DBE participation goal, it shall be required to demonstrate its good faith efforts to attain the goal.

Responses are encouraged by small firms, Disadvantaged Business Enterprise (DBE) firms, and other firms who have not previously performed work for the Department of Transportation.

Each Letter of Interest must include the following information and the information must be packaged and presented in the following order:

1. Transmittal Letter (Maximum of two (2) 8 1/2" x 11" typed pages, one side)

The subject heading of the transmittal letter must include the project reference number for which the applicant wishes to be considered, the firm's legal name, fictitious name (if applicable), and the firm's federal identification number. If the project advertisement indicated the Department will retain an engineering firm for the project, the applicant must indicate in the body of their transmittal letter the names and Professional Engineer License Number of individuals who are directing heads or employees of the firm who have responsible charge of the firm's engineering activities, and whose names and seals shall be stamped on all plans, specifications, plats, and reports issued by the firm.

2. Project Organization Chart (one page, one side, maximum size 11" x 17")

This Chart must show key staff from the prime and each subconsultant and their area of responsibility.

3. Standard Form 255, "Architect-Engineer and Related Services Questionnaire for Specific Project" (one Form 255 for the project team).

The Standard Form 255 must be signed, dated, and filled out in its entirety, including Item No. 6 listing the proposed subconsultants and the type of work or service they will perform on the project.

Under Item 4 of this form, Column A must specify only the number of subconsultant personnel and Column B must specify only the number of prime consultant personnel to be assigned to work on this project reference number. Do not include the total personnel for either the

subconsultant or prime consultant under Item 4 unless the total personnel are necessary to provide the required work and services.

The prime and each subconsultant may include no more than one page each for Items 10 and 11.

If a Disadvantaged Business Enterprise (DBE) goal is specified for the project, the DBE must be currently certified by the Department of Transportation, and the name of the DBE and the work to be performed must be indicated in Item No. 6. If a Woman Business Enterprise (WBE) firm is substituted for the DBE, the WBE firm must also be presently certified by the Department of Transportation and indicated in Item 6.

4. Standard Form 254, "Architect-Engineer for Related Services Questionnaire"

A Standard Form 254, not more than one (1) year old as of the date of this advertisement, must accompany each Letter of Interest for the firm, each party to a Joint Venture, and for each subconsultant the firm or Joint Venture is proposing to use for the performance of professional services regardless of whether the subconsultant is an individual, a college professor, or a Company, unless an acceptable Standard Form 254 for the prime and each subconsultant/Subcontractor is on file in both the Bureau of Design and the Engineering District Office or Central Office Bureau identified in the individual project advertisement.

If the Standard Form 254 is not submitted with the Letter of Interest, the transmittal letter shall indicate the dates that the Standard Forms 254 were submitted to the Bureau of Design and appropriate Engineering District/Central Office Bureau.

These Forms must be assembled with the prime's form first, followed by the form for each subconsultant in the same order as the subconsultants appear in Item 6 of Form 255.

5. Workload Projection Graph (Not required for Construction Inspection Services)

Separate Workload Projection Graphs for the prime and each subconsultant shown in Item 6 of the Form 255 must be included and must indicate the firm's current and anticipated workload compared to the anticipated capacity available for the next two-year time frame. The Workload Projection Graphs must be submitted for the office(s) where the work would be performed and must only include the personnel classifications required for providing the advertised services and work.

6. Authorization Letters (if required)

If the advertisement requires a letter signed by individuals giving their approval to use their name in the Letter of Interest, the letters from proposed prime employees must be first, followed by subconsultant employees, in the same order as shown in Item 6 of Form 255.

7. Registration To Do Business

Firms with out-of-state headquarters or corporations not incorporated in Pennsylvania must include, with each Letter of Interest, a copy of their registration to do business in the Commonwealth as provided by the Department of State. Firms who are not registered to do business in Pennsylvania at the time of this advertisement must document that they have applied for registration to the Department of State, Corporation Bureau. The telephone number for the Corporation Bureau is (717) 787-1057 or (717) 787-2004.

8. Overhead Rates (one page)

A single page summary must indicate the latest audited overhead rate developed in accordance with Federal Acquisition Regulations (FAR) for the prime consultant and each subconsultant. If a FAR rate is not available, the latest rate available from a Certified Public Accountant must be indicated. New firms should indicate how long the firm has been in existence and when an audited overhead rate would be available.

9. Additional Information

Additional information, not to exceed ten (10) one sided 8 1/2" x 11" pages or five (5) double sided 8 1/2" x 11" pages may be included at the discretion of the submitting firm.

The assignment of the agreement/contract for the above advertisement(s) will be made to one of the firms who submitted an acceptable Letter of Interest in response to the project advertisement. The assignment will be made based on the Department's evaluation of the firm's qualification and capabilities. The Department reserves the right to reject all letters submitted, to cancel the solicitations requested under this Notice, and/or to readvertise solicitation for the work and services.

BRADLEY L. MALLORY,
Secretary

[Pa.B. Doc. No. 98-388. Filed for public inspection March 6, 1998, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additional Restrictions on Fish and Boat Commission Property

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 53.18, has established the following additional restrictions for Fish and Boat Commission property:

<i>County</i>	<i>Area</i>	<i>Additional Restrictions</i>
Beaver	Hereford Manor Lakes	During the period April 17, 1998 to May 25, 1998, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.
Washington	Dutch Fork Lake	During the period April 17, 1998 to May 25, 1998, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.
Washington	Canonsburg Lake	During the period April 17, 1998 to May 25, 1998, the use or possession of beer and alcoholic beverages is prohibited and open fires are prohibited.

PETER A. COLANGELO,
Executive Director

[Pa.B. Doc. No. 98-389. Filed for public inspection March 6, 1998, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final-Form Rulemakings

The Independent Regulatory Review Commission received, on the dates indicated, the following final-form regulations for review. To obtain the date and time of the meeting, interested parties may contact the office of the Commission at (717) 783-5417. To obtain a copy of the regulation, interested parties should contact the agency promulgating the regulation.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>
43-6	Public School Employees' Retirement Board Change in Benefit Payment Plan	2/19/98
4-65	Department of Community and Economic Development Private Activity Bonds - Allocation	2/23/98
7-307	Environmental Quality Board Coal Mining Permitting and Performance Standards	2/24/98
7-315	Environmental Quality Board Water Supply Protection/Replacement (Mining)	2/24/98

JOHN R. MCGINLEY, Jr.,
Chairperson

[Pa.B. Doc. No. 98-390. Filed for public inspection March 6, 1998, 9:00 a.m.]

INSURANCE DEPARTMENT

Mutual-to-Stock Plan of Conversion; Provident Mutual Life Insurance Company

The Insurance Department (Department) will hold a public informational hearing regarding the proposed plan of conversion submitted by Provident Mutual Life Insurance Company, a Pennsylvania domiciled mutual life insurance company. The proposed plan provides for conversion from a mutual life insurance company to a stock life insurance company and for the formation of a stock and a mutual holding company. The filing was made under the Mutual-to-Stock Conversion Act (40 P. S. § 911-A et seq.). All policyholders and interested persons are invited to attend and participate in the hearing:

Date and Time: April 7, 1998, beginning at 9 a.m.

Location: Valley Forge Hilton Hotel, 251 West Dekalb Pike, King of Prussia, PA 19406, (610) 337-1200.

Nature of Hearing: The public informational hearing will provide an opportunity for policyholders and interested persons to present oral comments relevant to the proposed plan of conversion. The proceeding will be recorded and a transcript may be purchased directly from the court reporter.

Legal Authority: The public informational hearing will be held under the provisions of the Mutual-to-Stock Conversion Act (40 P. S. § 911-A et seq.).

ADA Notice: If, due to a disability, persons require the assistance of auxiliary aids or services to participate in or

attend this public informational hearing, call Tracey Pontius, Director of the Bureau of Administration, (717) 787-4298. Persons who are hearing impaired, should call the Department at (717) 783-3898.

Written Comments: Persons who are unable to attend the public informational hearing or would prefer to submit written comments concerning Provident Mutual's proposed plan of conversion, may do so by mailing or delivering a copy of the comment to Carolyn Smith, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or by using the Internet address of <http://www.csmith@ins.state.pa.us>. Please be advised that all comments received will be part of the public record regarding this filing.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-391. Filed for public inspection March 6, 1998, 9:00 a.m.]

Rate Filing; Erie Insurance Exchange; Homeowners Insurance

On February 17, 1998, the Insurance Department received from Erie Insurance Exchange a filing for a proposed rate level and rules change for homeowners insurance.

The company requests an overall 2.9% increase amounting to \$3,640,100 annually, to be effective July 1, 1998.

Unless formal administrative action is taken prior to April 18, 1998, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Insurance Department's offices in Harrisburg, Philadelphia, Pittsburgh and Erie.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-392. Filed for public inspection March 6, 1998, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing, as authorized by section 9(a) of the act of June 5, 1968 (P. L. 140, No. 78) (40 P. S. § 1008.9(a)) in connection with their company's termination of the insured's automobile policies.

The hearings will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Dolores M. Venafrá; file no. 98-280-30152; Erie Insurance Exchange; doc. no. PH98-02-023; March 26, 1998, 2:30 p.m.;

Appeal of Robert J. and Ann Warren; file no. 98-121-00638; Allstate Insurance Company; doc. no. P98-02-016; April 7, 1998, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files, documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The insured must bring any evidence which the insured may want to offer at the hearing. The hearing will be held in accordance with the requirements of sections 9 and 10 of the act (40 P. S. §§ 1008.9 and 1008.10) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-393. Filed for public inspection March 6, 1998, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing, as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their company's termination of the insured's policies.

The hearing will be held in the Capitol Associates Building, 901 North Seventh Street, Second Floor Hearing Room, Harrisburg, PA 17102.

Appeal of Natalie Nichi; file no. 97-193-08292; The Ohio Casualty Insurance Co.; doc. no. P98-02-023; March 31, 1998, 1 p.m.;

Appeal of Terry A. and Linda K. Biddle; file no. 97-407-91084; CNA Insurance; doc. no. P98-02-018; April 2, 1998, 1 p.m.;

Appeal of Wilma R. and Cheryl A. Fisher; file no. 98-303-70215; Nationwide Mutual Insurance Co.; doc. no. PI98-02-021; April 9, 1998, 1 p.m.

Both parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The representative of the company must bring relevant claims files and other necessary evidence. The insured must bring all documents, photographs, drawings, witnesses and the like necessary to substantiate the case. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) and the regulations set forth at 31 Pa. Code § 59.7(e) (relating to appeal procedures). Under 31 Pa. Code § 59.7(e)(5), procedural matters will be in con-

formance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is given.

After the hearing, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The order of the Commissioner is subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,
Insurance Commissioner

[Pa.B. Doc. No. 98-394. Filed for public inspection March 6, 1998, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board leases will expire:

Clinton County, Wine & Spirits Shoppe # 1802, 536 Erie Avenue, Renovo, PA 17764-1018.

Lease Expiration Date: March 31, 1999

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 1,100 to 1,600 net useable square feet of new or existing retail commercial space within the Borough of Renovo.

Proposals due: March 27, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Ronald Hancher, (717) 657-4228

Lackawanna County, Wine & Spirits Shoppe # 3504, 48 S. Main Street, Carbondale, PA 18407-2314.

Lease Expiration Date: October 31, 1998

Lease retail commercial space to the Commonwealth of Pennsylvania. Proposals are invited to provide the Pennsylvania Liquor Control Board with approximately 3,000 to 3,500 net useable square feet of new or existing retail commercial space within Carbondale City or Carbondale Township.

Proposals due: March 27, 1998 at 12 noon

Department: Pennsylvania Liquor Control Board
Location: Bureau of Real Estate, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661
Contact: Charles D. Mooney, (717) 657-4228

JOHN E. JONES, III,
Chairperson

[Pa.B. Doc. No. 98-395. Filed for public inspection March 6, 1998, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published herein are due on or before March 30, 1998, as set forth at 52 Pa. Code § 3.381 (relating to applications for transportation of property and persons). The protests shall also indicate whether it applies to the temporary authority application or the permanent application or both.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating as common carriers for transportation of persons as described under each application.

A-00114679. Brockway Area Ambulance Service, Inc. (P.O. Box 222, Brockway, Jefferson County, PA 15824), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, to and from medical facilities in the borough of Brockway, the townships of Snyder, Washington, Polk and Warsaw, Jefferson County, and the township of Horton, Elk County, and from points in said borough and townships, to points in Pennsylvania, and return.

A-00114666. Manheim Township Ambulance Association, t/a Central Lancaster Medical Transport Service (1820 Municipal Drive, Lancaster, Lancaster County, PA 17601), a corporation of the Commonwealth of Pennsylvania—nonambulatory persons in paratransit service, between points in the counties of Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, Montgomery, Schuylkill and York, and from points in said counties, to other points in Pennsylvania, and vice versa; subject to the following condition: that all service shall be provided in van-type vehicles with wheelchair lifts and/or stretcher-mounted equipment. *Attorney:* Robert Sisko, 700 North Duke Street, Lancaster, PA 17602.

A-00114668. Allyn Sincavage, t/a Sincavage Limousine Service (2180 Jesse Road, Plymouth, Luzerne County, PA 18651)—persons in limousine service, between points in the county of Luzerne, and from points in said county, to other points in Pennsylvania, and return. *Attorney:* David R. Lipka, 50 East Main Street, Plymouth, PA 18651.

Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-00114667. John Sobieski, t/a Courtesy Limousine Service (27 Salem Avenue, Carbondale, Lackawanna County, PA 18407)—persons in limousine service: (1) between points in the county of Wayne, and from points in the county of Wayne, to points in the

county of Lackawanna and return; and (2) between points in Lackawanna County, and from points in said territory, to points in Pennsylvania, and return; which is to be a transfer of all of the rights authorized under the certificate issued at A-00112580, F. 1 and F. 1, Am-A to James Michael Romano, t/a Courtesy Limousine Service, subject to the same limitations and conditions. *Attorney:* Gregory J. Pascale, 240 Penn Avenue, Scranton, PA 18503.

Applications of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under each application.

A-00103670, F. 3, Am-D. S. & S. Taxi, Co. (400 Eden Park Boulevard, McKeesport, Allegheny County, PA 15132), a corporation of the Commonwealth of Pennsylvania—persons in paratransit service from points in the cities of New Kensington, Arnold, and Lower Burrell, Westmoreland County, to points in the counties of Westmoreland and Allegheny, and return; subject to the following condition: that no right, power or privilege is granted to provide service to or from the Greater Pittsburgh International Airport: *so as to permit* the transportation of persons in paratransit service, from points in the county of Allegheny, to other points in Pennsylvania, and return; subject to the following condition: that no right, power or privilege is granted to provide service between points in Allegheny County. *Attorney:* William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Application of the following for the approval of the transfer of stock as described under each application.

A-00049925, F. 5003. The Yellow Cab of Pittsburgh (5931 Ellsworth Avenue, Pittsburgh, Allegheny County, PA 15206), a corporation of the Commonwealth of Pennsylvania—stock transfer—for approval of the transfer of all issued and outstanding stock held by Tyburn Limited, to Coach USA, Inc. *Attorney:* John A. Vuono, 2310 Grant Building, Pittsburgh, PA 15219-2383.

Motor Carrier Applications—Property, Excluding Household Goods in Use

The following applications for the authority to transport property, excluding household goods in use, between points in Pennsylvania, have been filed with the Pennsylvania Public Utility Commission. Public comment to these applications may be filed, in writing with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 on or before March 23, 1998.

- A-00114687 John T. Faul, t/a J T Faul Trucking
249 Wawa Road, Wawa, PA 19063
- A-00114688 Samuel Holland, t/a Adamstown Transportation
31 West Main Street, Box 252, Adamstown, PA 19501
- A-00114689 Grocery Haulers, Inc.
286 Homestead Avenue, Avenel, NJ 07001: Kenneth Alder & Associates,
One Huntingdon Quadrangle, Suite 2c13, Melville, NY 11747
- A-00114690 Jeffrey D. Horacek
R. D. 8, Box 8186A, Stroudsburg, PA 18360: Alan Price Young, 800 Main Street, Stroudsburg, PA 18360

- A-00114692 Mark Stephen Lankey, t/a Mark Lankey Trucking
R. D. 1, Box 158, Mann's Choice, PA 15550
- A-0114671 Michael W. Fritz, t/a Mike's Automotive Transport
99 Buckthorn Drive, Carlisle, PA 17013: David H. Radcliff, 3905 North Front Street, Harrisburg, PA 17110
- A-00114672 Jeffrey A. and Sharon R. Etling, t/a J & S Etling Trucking
425 Johnson Lane, Connellsville, PA 15425
- A-00114676 Bright Transportation, Inc.
3115 Denton Drive, Garland, TX 75041: Lawrence A. Winkle, 3115 Denton Drive, Garland, TX 75041
- A-00114682 Bret Kerstetter, t/a Keystone Express
R. D. 2, Box 258, Selingsgrove, PA 17870: Donna R. Nassor, 720 North Market Street, Selingsgrove, PA 17870
- A-00114683 Roger S. Snyder, t/a R.S. Snyder Enterprises
4018 High Road, Kempton, PA 19529: James McConnell, 526 North St. Cloud Street, Allentown, PA 18104
- A-00114684 Romberger Trucking, Inc.
R. D. 1, Box 82A, Tower City, PA 17980: Joseph C. Michetti, Jr. 921 Market Street, Treverton, PA 17881
- A-00114697 L.D.D. Paving, Inc.
515 West 17th Street, Tyrone, PA, 16686
- A-00114678 Jeffrey A. Acker, Sr.
P. O. Box 128, Venango, PA 16440
- A-00114677 Richard J. Denning
136 Locksley Road, Glen Mills, PA 19342
- A-00114698 Richard A. McGowan, t/a McGowan Trucking
P. O. Box 100, RT 82, Geigertown, PA 19523

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-396. Filed for public inspection March 6, 1998, 9:00 a.m.]

**Wastewater Service
Without Hearing**

A-230240 F0004 and A-230240 F0005. Little Washington Wastewater Company. Application of Little Washington Wastewater Company for approval of: 1) the acquisition of certain wastewater system assets in Birmingham Township, Chester County, PA; and 2) the right to furnish wastewater service to the public in a portion of Birmingham Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the

applicant on or before March 23, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Little Washington Wastewater Company

Through and By Counsel: Mark J. Kropilak, Esquire, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-397. Filed for public inspection March 6, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212285 F0048; A-212285 F0049; and A-210976 F2000. Pennsylvania-American Water Company and Franklin Manor Utilities, Ltd. Joint Application of Pennsylvania-American Water Company and Franklin Manor Utilities, Ltd., for approval of 1) the transfer, by sale, of the water works property and rights of Franklin Manor Utilities, Ltd., to Pennsylvania-American Water Company; 2) the right of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in additional portions of South Franklin Township, Washington County, PA; and 3) the permanent discontinuance by Franklin Manor Utilities, Ltd., of all water service to the public.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 23, 1998, under 52 Pa. Code (relating to public utilities).

Applicants: Pennsylvania-American Water Company; and Franklin Manor Utilities, Ltd.

Through and By Counsel: Velma A. Redmond, Esquire, Corporate Counsel, for Pennsylvania-American Water Company, 800 West Hersheypark Drive, Hershey, PA 17033; and Blaine A. Beeghly, General Partner, for Franklin Manor Utilities, Ltd., 37 Highland Avenue, Washington PA 15301-4062.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-398. Filed for public inspection March 6, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212955 F0008. Superior Water Company, Inc. Application of Superior Water Company, Inc., for approval to begin to offer, render, furnish or supply water service to the public in portions of Douglass Township, Montgomery County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 23, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Superior Water Company, Inc.

Through and By Counsel: Louise A. Knight, Counsel, Malatesta, Hawke and McKeon, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-399. Filed for public inspection March 6, 1998, 9:00 a.m.]

Water Service Without Hearing

A-212955 F0007. Superior Water Company, Inc. Application of Superior Water Company, Inc., for approval to begin to offer, render, furnish or supply water service to the public in portions of North Coventry Township, Chester County, PA.

This application may be considered without a hearing. Protests or petitions to intervene can be filed with the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before March 23, 1998, under 52 Pa. Code (relating to public utilities).

Applicant: Superior Water Company, Inc.

Through and By Counsel: Louise A. Knight, Counsel, Malatesta, Hawke and McKeon, Harrisburg Energy Center, 100 North Tenth Street, Harrisburg, PA 17101.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 98-400. Filed for public inspection March 6, 1998, 9:00 a.m.]

TREASURY DEPARTMENT

Request For Proposal

The Treasury Department of the Commonwealth of Pennsylvania is issuing a proposal to provide custodial and safekeeping services for the Bureau of Unclaimed Property. Interested parties may receive a copy of the request for proposals by contacting the Treasury Department at (717) 772-3296. Proposals in response to this request will be accepted no later than 12 noon on Friday, April 17, 1998. Late proposals will not be considered.

BARBARA HAFER,
State Treasurer

[Pa.B. Doc. No. 98-401. Filed for public inspection March 6, 1998, 9:00 a.m.]

TURNPIKE COMMISSION

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building, Harrisburg-East Interchange near Highspire, PA (Mailing Address: P.O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following Contract:

Contract No. 91-031-RF17—General Construction of a new salt storage facility at the Everett Maintenance Facility located at M. P. 154.2 EB on the Pennsylvania Turnpike in Bedford Co., PA.

Bid Opening Date—April 16, 1998, 11 a.m.

Bid Surety—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$25 per set (Do not add State tax) by check or P. O. Money Order (No cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA, 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-402. Filed for public inspection March 6, 1998, 9:00 a.m.]

Request for Proposals

Sealed proposals will be received by Jeffrey L. Hess, Purchasing Manager, at the Administration Building,

Harrisburg-East Interchange near Highspire, PA (Mailing Address: P. O. Box 67676, Harrisburg, PA 17106-7676) and publicly opened and read at the date and time indicated for the following contract:

Contract No. 98-011-RM08-C—Roadway and shoulder rehabilitation at the Delaware Valley Int., M. P. 357.84 on the Pennsylvania Turnpike in Bucks Co., PA

Bid Opening Date—April 1, 1998, 11 a.m.

Bid Surety—5%

Plans, Specifications and Contract documents will be available and open for public inspection at the Administration Building. Copies may be purchased upon payment of \$35 per set (Do not add State tax) by check or P. O. Money Order (no cash) payable to the Pennsylvania Turnpike Commission, Attention: Secretary-Treasurer's Office, P. O. Box 67676, Harrisburg, PA, 17106-7676. No refund for any reason will be made for plans, specifications and contract documents.

A Prequalification Certification and Maximum Capacity Rating assigned by the Prequalification Committee of the Pennsylvania Department of Transportation is a necessary prerequisite for bidding on this project.

Contact the Purchasing Manager for a listing of other locations where plans and specs can be inspected.

JAMES F. MALONE, III,
Chairperson

[Pa.B. Doc. No. 98-403. Filed for public inspection March 6, 1998, 9:00 a.m.]

STATE CONTRACTS INFORMATION

DEPARTMENT OF GENERAL SERVICES

Notices of invitations for bids and requests for proposals on State contracts for services and commodities for which the bid amount is reasonably expected to be over \$10,000, are published in the State Contracts Information Section of the *Pennsylvania Bulletin* prior to bid opening date. Information in this publication is intended only as notification to its subscribers of available bidding and contracting opportunities, and is furnished through the Department of General Services, Vendor Information and Support Division. No action can be taken by any subscriber or any other person, and the Commonwealth of Pennsylvania is not liable to any subscriber or any other person, for any damages or any other costs incurred in connection with the utilization of, or any other reliance upon, any information in the State Contracts Information Section of the *Pennsylvania Bulletin*. Interested persons are encouraged to call the contact telephone number listed for the particular solicitation for current, more detailed information.

EFFECTIVE JULY 1, 1985, A VENDOR'S FEDERAL IDENTIFICATION NUMBER (NUMBER ASSIGNED WHEN FILING INCOME TAX DOCUMENTS) OR SOCIAL SECURITY NUMBER IF VENDOR IS AN INDIVIDUAL, MUST BE ON ALL CONTRACTS, DOCUMENTS AND INVOICES SUBMITTED TO THE COMMONWEALTH.

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". A qualified small business concern is an independently owned, operated for profit, business employing 100 or fewer employees and is not a subsidiary or affiliate of a corporation otherwise not qualified.

Such penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter. The small business concern must include on every invoice submitted to the Commonwealth: "(name of vendor) is a qualified small business concern as defined at 4 Pa. Code § 2.32".

For information on the required payment date and annual interest rate, please call the Pennsylvania Department of Commerce, Small Business Action Center, 483 Forum Building, 783-5700.

Reader's Guide

- ① Service Code Identification Number
- ② Commodity/Supply or Contract Identification No.

B-54137. Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services
Location: Harrisburg, Pa.
Duration: 12/1/93-12/30/93
Contact: Procurement Division
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦
(For Commodities: Contact:)
Vendor Services Section
717-787-2199 or 717-787-4705

REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705

GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**
 Pennsylvania State Treasury
 Room G13 Finance Building
 Harrisburg, PA 17120
 717-787-2990
 1-800-252-4700

BARBARA HAHER,
State Treasurer

Online Subscriptions At <http://www.statecontracts.com> 1-800-334-1429 x340

Commodities

8206690 Communication equipment—1 each furnish and install Bendix/King RDR 2000 Vertical Profile Weather Radar System or approved equal.

Department: Transportation
Location: New Cumberland, Cumberland County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1595217 Food preparation and serving equipment—20 each Scotsman Ice Maker (Slim Line), Model SLE400 AS-1A or approved equal; 6 each Scotsman Storage Bin (Slim Line) Model SLB2605S or approved equal; 4 each Scotsman Counter Top Ice Dispenser, Model IS160S-LF-1A or approved equal.

Department: Blindness and Visual Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1801117 Food preparation and serving equipment—1 each furnish Institution 80 quart capacity floor mixer w/80 quart tinned bowl, (1) "B" flatbeater, (1) "C" wing wire whip, Ed dough arm and stainless steel bowl guard.

Department: Corrections
Location: Waymart, Wayne County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1563117 Food preparation and kitchen equipment—1 each Baxter Advantage 2B Rotating Rack Oven or approved equal.

Department: Corrections
Location: Frackville, Schuylkill County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1703217 Food preparation and kitchen equipment—1 each Combo Steamer-Oven/Convection Combo Groen Model CC20-EF or approved equal.

Department: Public Welfare
Location: Selinsgrove, Snyder County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

8234640 Motor vehicles, trailers and cycles—2 each latest model compact 4 x 4 standard cab pickup truck w/air conditioning, automatic transmission.

Department: Transportation
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1769157 Paper and printing—2,100 ream 100% RAG Commonwealth Seal, watermark bond paper, State Seal bond paper 8-1/2 x 11, 20 lb., 500 sheets/ream 10 ream/ctn. medium cream color.

Department: General Services
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1786237 Paper and printing—84,000M/Pages 1998-1999 Pennsylvania Hunting and Trapping Digest.

Department: Game Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1800127 Paper and printing—270M UC-2/2A/2B-Employer's Report for Unemployment Compensation—3rd Quarter Reports without Stripe; 8M UC-2/2A/2B—Employer's Report for Unemployment Compensation 3rd Quarter with Stripe; 265M UC-2/2A/2B—Employer's Report for Unemployment Compensation 4th Quarter Report without Stripe; 8M UC-2/2A/2B Employer's Report for Unemployment Compensation 4th Quarter with Stripe.

Department: Labor and Industry
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1802117 Plumbing, heating and sanitation equipment—100 each American Standard Prison Lavatory, wall hung 14 x 13 w/nonremovable stopper No. 0431,066 white 020 supplied with 2,250,108 self closing fitting.

Department: Corrections
Location: Graterford, Montgomery County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1743117 Steam plant and drying equipment—1 lot furnish one AERCO Semi-Instantaneous Model B +041/1.25/E hot water heater, or approved equal.

Department: Corrections
Location: Muncy, Lycoming County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1807217 Storage cabinets—20 each heavy duty metal storage cabinet, full height 78" H x 24" D x 36" W. All welded construction throughout, 14 gauge steel for entire cabinet, frame sides, shelves and doors.

Department: Cresson Secure Treatment Unit
Location: New Castle, Lawrence County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1808307 Storage cabinets—3 each scientific storage cabinets, Steel Fixture Manufacturing Co. Model GLX or approved equal; 32 each trays for cabinet, 1-3/4" H x 52-3/4" W x 28-3/4" D; 32 each trays 3—3/4" H x 52-3/4" W x 28-3/4" D; 3 each scientific storage cabinets Steel Fixture Mfg. Co. Model GL or approved equal; 46 each trays 1-7/8" H x 24-15/16" W x 29-3/4" D; 3 each scientific storage cabinets Steel Mfg. Co. Model GLX Special or approved equal; 30 each trays 2-3/4" H x 60" W x 28-3/4" D; 2 each scientific storage cabinets interior Steel Equip. Co. Model 220 double door cabinet or approved equal; 16 each trays 3-7/16" H x 52" W x 34-3/4" D.

Department: Historical and Museum Commission
Location: Harrisburg, Dauphin County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

1622117 Weapons and accessories—18 each Heckler and Koch MP5 Model No. 40A3 (2RB) .40 S & W w/retractable stock and 2 round burst trigger group.

Department: Corrections
Location: Camp Hill, Cumberland County, PA
Duration: FY 97-98
Contact: Vendor Services, fax request to (717) 783-6241 or call (717) 787-2199

SERVICES

Barber/Cosmetology Services—05

356410 Cosmetology services: vendor to provide the female residents of Harrisburg State Hospital with cosmetology services. Vendor must have a current valid Commonwealth of Pennsylvania beautician license. All work to be performed at the hospital and the hospital will provide space, equipment and all supplies needed.

Department: Public Welfare
Location: Harrisburg State Hospital, Cameron and Maclay Streets, Harrisburg, PA 17105-1300
Duration: July 1, 1998 through June 30, 2001, a period of 3 years
Contact: Jack W. Heinze, Purchasing Agent III, (717) 772-7435

Computer Related Services—08

Project No. 96-15 "Document Imaging/Management and Workflow Systems." The objective of this project is to develop and implement a document imaging/management and workflow system. Detailed requirements and an RFP are available upon a fax request. Fax requests to Mary Sharp at (717) 783-7971.

Department: Transportation
Location: Bureau of Office Services, 8th Floor, 555 Walnut Street, Forum Place, Harrisburg, PA
Duration: 60 months
Contact: Mary Sharp, (717) 787-2491

OA-T and A System The Office of Administration has issued a Request for Information regarding packaged client/server software for time and attendance administration. The purpose of this RFI is to obtain information on the functionality of these packages, and the hardware/software options available to satisfy the Commonwealth's enterprise-wide needs. A select committee will use the responses from this RFI to assist in the development of a Request for Proposal. Copies of the RFI are available by contacting Sherri Keiter-Reed, Commonwealth Attendance Administrator, Office of Administration, Bureau of Personnel, Employee Benefits Division, 513 Finance Building, Harrisburg, PA 17120, (717) 787-9872, E-Mail skeiter@oabop.cmicpol.state.pa.us. The deadline for responses to this RFI is March 27, 1998.

Department: Office of Administration
Location: Commonwealth Attendance Administrator, 513 Finance Building, Harrisburg, PA 17120
Duration: March 27, 1998
Contact: Sherri Keiter-Reed, (717) 787-9872

Construction—09

Project No. 9825 Repair to exterior stone.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 23 South 23rd Street, Philadelphia, Philadelphia County, PA
Duration: April 1—December 30, 1998
Contact: Emma Schroff, (717) 861-8518

Project No. 9826 Resurfacing existing roadway and parking lot.
Department: Military and Veterans Affairs
Location: PAARNG Armory, 125 Goodridge Lane, Washington, Washington County, PA
Duration: April 1—December 30, 1998
Contact: Emma Schroff, (717) 861-8518

Project No. 9827 Resurfacing existing roadway and parking lot.
Department: Military and Veterans Affairs
Location: PAARNG Armory, R. D. 12, Greensburg, Westmoreland County, PA
Duration: April 1—December 30, 1998
Contact: Emma Schroff, (717) 861-8518

2-3-00002 This contract will provide manpower, equipment and incidental guidrail material for installation of approximately 22,000 linear feet of strong post at various locations throughout Clinton County. All guidrail material will be supplied by the Department of Transportation except for the bolts, nuts, washers, rotating brackets, bridge connection plates, anchor belts, concrete for the end treatments and end anchorages. It will be the contractor's responsibility to pick up the material and deliver it to the work sites. A mandatory prebid meeting (only 1 day) will be held which will include review of the guidrail locations, and a site will be determined where the guidrail material will be stored. The Department shall be responsible for removal of all existing guidrail and for any grading of shoulder stabilization prior to the placement of the guidrail by the contractor. AS1 request for bid packages must be received by fax at (717) 893-2953, Foster Chapman, Phone (717) 893-2430. This is a rebid of December 02, 1997.

Department: Transportation
Location: District 0230: Various locations within Clinton County, PA
Duration: One year with an option of three 1-year renewals
Contact: Foster Chapman, (717) 893-2430

AE-5126 Construction of a grit trap in truck wash building. Fax (717) 783-7971.

Department: Transportation
Location: PennDOT Maintenance District 11-4, New Castle, Lawrence County, PA
Duration: 90 calendar days, proposed bid March 1998
Contact: Valentina Chubb, (717) 787-7001

DLR 3105 The contractor shall construct an additional parking area along the perimeter road between existing lot and the Sally Port to measure 20' x 200' at the State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652. In addition, the contractor/vendor shall be responsible for all subgrade, subbase (6"), base course (2"), wearing course (1—1/2") and any other materials/equipment necessary to complete the project. All contractors will make an onsite visit to ensure location of work.

Department: Corrections
Location: State Correctional Institution at Smithfield, P. O. Box 999, 1120 Pike Street, Huntingdon, PA 16652
Duration: April 1998—June 30, 1998
Contact: Donald Reihart, Facility Maintenance Manager, (814) 643-6520, Ext. 320

Contract No. FDC-225-304 Removing and replacing two watertight doors and one window; repair one manway access port; and remove and replace one check valve and one butterfly valve. All work is at Point State Park.

Department: Conservation and Natural Resources
Location: City of Pittsburgh, Allegheny County, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-305-315 Providing and placing 2A aggregate (1,270 tons), bituminous paving (1,270 tons), 12" C.P.P. (50 L. F.) and underdrain (100 L. F.); and landscaping. All work is at Cowans Gap State Park.

Department: Conservation and Natural Resources
Location: Todd Township, Fulton County, PA
Duration: 60 days
Contact: Construction Management Section, (717) 787-5055

Contract No. FDC-409-299 Provide and install 31 new drinking fountains, remove and reset existing hydrants/fountains, and all associated piping; excavation, backfill, concrete and landscaping work. Work is at Hickory Run State Park.

Department: Conservation and Natural Resources
Location: Kidder Township, Carbon County, PA
Duration: 100 days
Contact: Construction Management Section, (717) 787-5055

UP-158 Addition/Renovation to N.K.T. Stadium: Slippery Rock is accepting sealed bids for a 2,200 square foot concrete/masonry addition to the stadium and renovations to the existing mechanical systems. Four prime contracts will be awarded under this solicitation. The bid package can be obtained by submitting a \$75 nonrefundable check to Peter F. Loftus Division of Eichleay Engineers, 6585 Penn Avenue, Pittsburgh, PA 15206-4407, (724) 363-9000. Plans will be made available from the University for viewing by contacting Joan Allen, Project Manager, (724) 738-2536. Bids will be due in the Business Services Office by 2 p.m. on Friday, March 27, 1998. A prebid conference will be held at 2 p.m. on Tuesday, March 17, 1998, at the N.K.T. Stadium. Late bids will not be accepted and will be returned unopened.

Department: State System of Higher Education
Location: Slippery Rock University of PA, Slippery Rock, Butler County, PA
Duration: 100 days
Contact: J. F. Revesz, Contracts Manager, (724) 738-2255

UP-159 Concrete maintenance, general campus: Repair and replacement of concrete sidewalks, curbs and wheel chair ramps. Bidders may obtain a bid package including specifications by mailing a nonrefundable check for \$25 payable to Slippery Rock University, to Business Services Office, Slippery Rock University, Slippery Rock, PA 16057. A prebid conference will be held at 2 p.m. on March 11, 1998 at the Maintenance Center Conference Room. Bids will be received until 2 p.m. on March 20, 1998. A public bid opening will be held at 2 p.m. on March 20, 1998. Please mark UP-159 on your check.

Department: State System of Higher Education
Location: Slippery Rock University of PA, Slippery Rock, Butler County, PA 16057
Duration: One year with renewal option
Contact: J. F. Revesz, (724) 738-2255

Elevator Maintenance—13

260220 Elevator maintenance to various elevators throughout Mayview State Hospital campus.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 2003
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

SP6500-061 Supply maintenance services to Institutional elevators at State Correctional Institution at Retreat, Luzerne County. To include preventive maintenance, safety checks, safety tests, emergency repairs, and the like. Bid proposal on file with institutional Purchasing Agent.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1998—June 30, 2001
Contact: Barbara Swiatek, (717) 735-8754

Engineering Services—14

08430AG2165 To provide construction management services for the reconstruction and improvement of Interstate 95 in the City of Philadelphia and on 11 other projects located in Philadelphia, Bucks and Montgomery Counties, Engineering District 6-0.

Department: Transportation
Location: Engineering District 6-0
Duration: Forty-eight (48) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2166 Open-end contract to provide various design and engineering services in Allegheny, Beaver and Lawrence Counties.

Department: Transportation
Location: Engineering District 11-0
Duration: Sixty (60) months
Contact: Consultant Agreement Division, (717) 783-9309

08430AG2167 Final design services for S. R. 0219, Section C08, Bradford Bypass Extension in McKean County.

Department: Transportation
Location: Engineering District 2-0
Duration: Twenty-four (24) months
Contact: Consultant Agreement Division, (717) 783-9309

Environmental Maintenance Services—15

BF 396-101.1 Abandoned Mine Land Reclamation, Thomas A. Fello Coal Co., involves an estimated 113,000 c. y. of grading, relocation of gas line and 14 acres of seeding.

Department: Environmental Protection
Location: Conemaugh Township, Indiana County, PA
Duration: 180 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

BF 398-101.1 Abandoned Mine Land Reclamation, Laurel Coal Company, involves an estimated 88,000 c. y. of grading, 930 s. y. of rock lining w/filter material and 36 acres of seeding.

Department: Environmental Protection
Location: Fairfield Township, Westmoreland County, PA
Duration: 210 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

BF 410-101.1 Abandoned Mine Land Reclamation, CAC Energy, Inc., involves an estimated 153,000 c. y. of grading, 320 s. y. of lining w/filter material and 31 acres of seeding.

Department: Environmental Protection
Location: Export, Westmoreland County, PA
Duration: 360 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

OSM 10(0759)101.1 Abandoned Mine Land Reclamation, East Bovard, involves approximately 257,000 c. y. of grading, 455 l. f. of rock underdrain, 400 s. y. of R-4 rock riprap w/filter material and 30 acres of seeding. One hundred percent (100%) of this project is financed by the Federal Government. Federal funds available for this program total \$20.4 million for Pennsylvania's 1997 AML Grant.

Department: Environmental Protection
Location: Cherry Township, Butler County, PA
Duration: 180 days after Notice to Proceed
Contact: Construction Contracts Unit, (717) 783-7994

Extermination Services—16

260229 Small animal capture and removal at Mayview State Hospital.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 2003
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

SP6500-062 Contractor will provide pest control services which will include the extermination and control of rodents, vermin, insects, and the like at the State Correctional Institution at Retreat. Contractor shall be licensed to provide extermination services in the Commonwealth of PA.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1998—June 30, 2001
Contact: Barbara Swiatek, (717) 735-8754

Food—19**7027 Meat and meat products.**

Department: Military and Veterans Affairs
Location: Hollidaysburg Veterans Home, Route 220 at Meadows Intersection, P. O. Box 319, Hollidaysburg, PA 16648
Duration: May 1998
Contact: Becky Clapper, Purchasing Agent, (814) 696-5210

97-07-09 IFB The selected contractor will become the primary provider of infant formula to the PA Department of Health's WIC Program. The primary provider is defined as the infant formula manufacturer which (1) markets both milk based (iron fortified) and soy based infant formulas in liquid concentrate, ready-to-feed, and powdered concentrate; and (2) contracts with the Department of Health as described in the IFB—Invitation for Bid. Rebates received by the Department from the contractor will be used to serve additional eligible participants which cannot be served with current program funds.

Department: Health
Location: Division of WIC, P. O. Box 90, Room 604, Health and Welfare Building, Harrisburg, PA 17108-0090
Duration: 5 years
Contact: Division of WIC, Gregory Landis, (717) 789-1289

Fuel Related Services—20

Contract No. FDC-001-80 Existing fuel system removal and disposal (two—5,000 gallon tanks and one—1,000 gallon tank); provide and install two—2,000 gallon aboveground fuel systems; construct a precast retaining wall; additional soil testing; and contaminated soil disposal. Work is located along U. S. Route 30 at the Forestry Building adjacent to Caledonia S. P.

Department: Conservation and Natural Resources
Location: Todd Township, Fulton County, PA
Duration: 120 days
Contact: Construction Management Section, (717) 787-5055

IN-710.1 Upgrade Underground Fuel Storage Tanks. Modifications to existing tanks, disposal of existing tanks, excavation, furnishing and installation of new fuel dispensing equipment, backfilling, and the like. Notice to contractors may be requested from IUP. Phone: (724) 357-2289; Fax: (724) 357-6480; Internet: <http://www.iup.edu/phyfac>.

Department: State System of Higher Education
Location: Indiana University of Pennsylvania, Indiana, PA 15705-1087
Duration: Six (6) months
Contact: Ronald E. Wolf, Procurement Specialist, (724) 357-4851

Hazardous Material Services—21

4700-04 Provide removal and disposal of hazardous waste, Xylene and T-900 (fast thinner) and opaque ink in 55 gallon drums. Also, vendor must provide approved overpacks for each drum removed.

Department: Transportation
Location: Bureau of Highway Safety and Traffic Engineering, PA Department Sign Distribution Center, 21st and Herr Streets, Harrisburg, PA 17103
Duration: September 1, 1998 to August 31, 1999
Contact: David H. Stewart, Manager, (717) 787-6105

FM-35 Furnish and provide all labor, equipment and materials for safe and lawful packaging, labeling, transporting and disposal of hazardous chemicals from the Pennsylvania State Police Headquarters, stations and clandestine laboratories, Statewide. (As needed).

Department: State Police
Location: Facility Management Division, State Police Crime Laboratories, Statewide
Duration: July 1, 1998 through June 30, 2001
Contact: Joan Douglass, (717) 783-5484

FM-36 Pick up and disposal of bio-medical, infectious/pathological waste materials. Vendor must furnish all labor, equipment and materials for safe and lawful packaging, labeling for transportation and disposal. All applicable State and Federal laws and regulations regarding the receipt, transportation and disposal of bio-medical waste materials must be complied with. Service to be provided to six Pennsylvania State Police crime laboratories on an as-needed basis.

Department: State Police
Location: Facility Management Division, State Police Crime Laboratories, Statewide
Duration: July 1, 1998 through June 30, 2001
Contact: Joan Douglass, (717) 783-5484

HVAC—22

98-FT002 Awarded vendor shall provide parts and labor for Thermo-King refrigeration units on Reefer trailers located at State Correctional Institution Camp Hill Correctional Industries Freight Terminal.

Department: Corrections
Location: Bureau of Correctional Industries Freight Terminal, State Correctional Institution, Camp Hill, PA
Duration: 1 year
Contact: Patricia J. Cassell, (717) 975-4999

AE-5123 Contractor to furnish and install four new vehicle exhaust systems with one each hose reel, hose and one fan per reel. Fax (717) 783-7971.

Department: Transportation
Location: Cambria County Maintenance Building, Maintenance District 93, Ebensburg, PA
Duration: 120 calendar days, proposed bid March 1998
Contact: Valentina Chubb, (717) 787-7001

FM-30 Provide emergency and routine repair work for the following systems: heating and air conditioning (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Greensburg Headquarters, 100 North Westmoreland Avenue, Greensburg, PA 15601-0436
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-31 Provide emergency and routine repair work for the following systems: plumbing and electric (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Greensburg Headquarters, 100 North Westmoreland Avenue, Greensburg, PA 15601-0436
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-32 Provide emergency and routine repair work for the following systems: plumbing (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Erie Regional Laboratory, 4310 Iroquois Avenue, Erie, PA 16511-2196
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-33 Provide emergency and routine repair work for the following systems: boiler proper (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-34 Provide emergency and routine repair work for the following systems: heating, air conditioning and electrical (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754-0068
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-37 Provide emergency and routine repair work for the following systems: heating, plumbing, air conditioning and electrical (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Lima Regional Laboratory, 350 North Middleton Road, Media, PA 19063-5592
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-38 Provide emergency and routine repair work for the following systems: heating, air conditioning, electrical and plumbing (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Reading Headquarters, 600 Kenhorst Boulevard, Reading, PA 19611
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-39 Provide emergency and routine repair work for the following systems: heating, air conditioning, electric and plumbing (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Dublin Station, 3218 Rickert Road, Dublin, PA 18944
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM-40 Provide emergency and routine repair work for the following systems: heating, air conditioning, electrical and plumbing (as needed). The contractor must respond to calls within 4 hours of receiving a call either directly or by a recording device. Replacement parts must be as originally installed or of equal quality and function. The contractor must agree to redeem manufacturer's warranty on parts where applicable, and further agree to guarantee workmanship and replacement parts, provided by his/her firm for 90 days. Bidding to be done on labor rate per hour for mechanic and helper. Parts to be billed at vendor's net cost.

Department: State Police
Location: Facility Management Division, Bethlehem Headquarters, Garage and Lab, 2930 Airport Road, Bethlehem, PA 18017-2149
Duration: July 1, 1998 to June 30, 2001
Contact: Les Brightbill or Joan Douglass, (717) 783-5484

FM 078197-02 Contractor shall provide all labor, materials, equipment, tools and supervision to replace six 6" steam header valves in the boiler plant building of Wernersville State Hospital. Details available upon request.

Department: Public Welfare
Location: Wernersville State Hospital, Wernersville, PA 19565-0300
Duration: June 1, 1998 through June 30, 1999
Contact: Karl Koenig, Purchasing Agent, (610) 670-4127

SP 315092 Electrical installations and repairs to buildings and facilities at Caledonia State Park, as called for by the Park Manager. Service shall include the following: electrical repairs, replacement of worn or defective parts and electrical installations. Service will be requested as needed.

Department: Conservation and Natural Resources
Location: Caledonia State Park, 40 Rocky Mountain Road, Fayetteville, PA 17222-9610
Duration: Through December 31, 2002
Contact: R. Bruce McFate, (717) 352-2161

SP6500-064 Contractor to provide semiannual high pressure cleaning and maintenance service on the ventilator and exhaust systems of the Dietary Department at the State Correctional Institution at Retreat.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1998—June 30, 2001
Contact: Barbara Swiatek, (717) 735-8754

WC 671 West Chester University is soliciting sealed bids for Project WC 671—Lawrence Hall Faculty/Staff Dining Room and Tutoring Center HVAC renovations. The project consists of demolition of existing unit heaters, wall air conditioners and ductwork. Install two new packaged heating and cooling units with ductwork, registers and controls. Extend chilled water and hot water piping from existing piping to two new units. Connect new unit to existing electric panels, and provide new electrical service to new exhaust fans. A site visit will be conducted on March 31, 1998 meeting at 11 a.m. at the front entrance of Lawrence Hall (east side). The bids are due and will be publicly opened at 11 a.m. on April 14, 1998. The bid package is available from Entech Engineering, Fourth South 4th Street, Reading, PA. The cost of picking up the bid package is \$30 and UPS mailing is \$45.

Department: State System of Higher Education
Location: West Chester University, West Chester, PA 19383
Duration: 90 calendar days
Contact: Theresa Gray, (610) 373-6667

YFC No. 2 Contractor to replace lighting fixtures in the V-Tech building. Interior and exterior lighting fixtures in the Administration Building and lighting for the tennis court area.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1998 to June 30, 1999
Contact: Rose M. Palermo, (717) 443-9524

YFC No. 2-A Contractor to replace interior and exterior lighting fixtures in both dormitories. Exterior lighting in the school building, and school annex.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1998 to June 30, 1999
Contact: Rose M. Palermo, (717) 443-9524

YFC No. 2-B Replace main distribution panel board interior with new interior and covers. Upgrade the electrical distribution system. Automate transfer switch for generator.

Department: Public Welfare
Location: Youth Forestry Camp No. 2, White Haven, Carbon County, PA 18661
Duration: July 1, 1998 to June 30, 1999
Contact: Rose M. Palermo, (717) 443-9524

Janitorial Services—23

10-98-01 Pick-up, transporting, storage and disposal of tear gas and Class A, B and C explosives. Bidders must have all applicable Federal and State licenses.

Department: State Police
Location: Statewide
Duration: July 1, 1998 through June 30, 2000
Contact: Margaret Chapman, P&S Division, (717) 783-5485

FM-1 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets, and the like at the Indiana Station, 401 Airport Professional Center, Indiana, PA 15701. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Indiana Station, 401 Airport Professional Center, Indiana, PA 15701
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-2 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets, at the Pennsylvania State Police, 471, Route 66, Apollo, PA 15613. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Kiski Valley Station, 471, Route 66, Apollo, PA 15613
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-3 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; semiannual housecleaning at the discretion of the Officer in Charge or his designated representative at the Findlay Station, 190 Industry Drive, Pittsburgh, PA 15275. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Findlay Station, 190 Industry Drive, Pittsburgh, PA 15275
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-4 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets at the Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012-9654. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Belle Vernon Station, 560 Circle Drive, Belle Vernon, PA 15012-9654
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-5 Furnish all equipment, materials and labor to perform janitorial services four visits per week including damp mop tile floors; sweep carpets; wipe walls and doors; clean lavatories; wash windows inside and outside; semiannual housecleaning at the discretion of the Officer in Charge. Snow and ice removal from sidewalks, as required. These services to be provided at the Waynesburg Station, 320 Elm Drive, Waynesburg, PA 15370. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Waynesburg Station, 320 Elm Drive, Waynesburg, PA 15370
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-6 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets, as required at the Ridgeway Station, HCR 1, Box 106, Ridgeway, PA 15853. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Ridgeway Station, HCR 1, Box 106, Ridgeway, PA 15853
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-7 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets at the Lamar Station, R. D. 3, Box 472A, Mill Hall, PA 17751. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Lamar Station, R. D. 3, Box 472A, Mill Hall, PA 17751
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-8 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; shampoo carpets at the Bedford Station, R. D. 1, Box 76, Everett, PA 15537. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Bedford Station, R. D. 1, Box 76, Everett, PA 15537
Duration: July 01, 1998 to June 30, 2000
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-9 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year and shampoo carpets at the Newport Station, 52 Red Hill Road, Newport, PA 17074. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Newport Station, 52 Red Hill Road, Newport, PA 17074
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-10 Furnish all equipment, materials and labor to perform janitorial services including: damp mop tile floors; sweep carpets; wipe walls and doors; clean lavatories; wash windows inside and outside; semiannual housecleaning twice a year and shampoo carpet at the Frackville Station, 297 Morea Road, Frackville, PA 17931. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Frackville Station, 297 Morea Road, Frackville, PA 17931
Duration: July 01, 1998 to June 30, 2000
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-11 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; semiannual housecleaning at the discretion of the Officer in Charge or his designated representative, to include snow removal from sidewalks, as required at the Jonestown Station, R. D. 2, Box 4070, Jonestown, PA 17038. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Jonestown Station, R. D. 2, Box 4070, Jonestown, PA 17038
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-12 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general housecleaning twice a year; and shampoo carpets at the Reading Aviation Patrol Unit, Building 406, Reading Regional, Reading, PA 19605. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Reading Aviation Patrol Unit, Building 406, Reading Regional Airport, Reading, PA 19605
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-13 Furnish all labor, materials and equipment to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; general housecleaning twice a year and shampoo carpets at the Lima Crime Lab, 350 North Middletown Road, Media, PA 19063. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Lima Crime Lab, 350 Middletown Road, Media, PA 19063
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-14 Furnish all labor, materials and equipment to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; general housecleaning twice a year and shampoo carpets at the Allentown Liquor Control Enforcement, 8320 Schantz Road, Breinigsville, PA 18031. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Allentown Liquor Control Enforcement, 8320 Schantz Road, Breinigsville, PA 18031
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-15 Furnish all labor, materials and equipment to perform janitorial services including: damp mop tile floors; sweep floors; vacuum carpets; dust furniture; general housecleaning twice a year and shampoo carpets at the Swiftwater Station, Box 949, Swiftwater, PA 18370. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Swiftwater Station, SR 611, 3 miles north of I-80, Exit 45, Swiftwater, PA 18370
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-16 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; and shampoo carpets at the Wyoming Crime Laboratory, 479 Wyoming Avenue, Wyoming, PA 18644. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Wyoming Crime Laboratory, 479 Wyoming Avenue, Wyoming, PA 18644
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-17 Furnish all labor, materials and equipment to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; dust furniture; wash windows inside and outside; general housecleaning twice a year; and shampoo carpets at the Bethlehem Crime Lab and DNA Lab, 2930 Airport Road, Bethlehem, PA 18017. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Bethlehem Crime Lab and DNA Lab, 2930 Airport Road, Bethlehem, PA 18017
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-43 Furnish all equipment, materials and labor to perform janitorial services including: empty waste baskets; clean lavatories; sweep floors; machine buff tile floors; vacuum carpets; wash windows inside and outside; general housecleaning twice a year; shampoo carpets, and the like. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Hamburg Station, 12 Jetson Drive, Hamburg, PA 19526
Duration: June 01, 1998 to June 30, 2000
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

Laboratory Services—24

SP 298384 The contractor shall perform a fish tumor study from a molecular toxicological aspect. The study will be done on Presque Isle Bay Brown Bullheads (*Amerius nebulosus*). The study shall commence May 18, 1998. A bid proposal must be obtained from the PA Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Department: Environmental Protection
Location: Presque Isle Bay, Erie County, PA
Duration: May 18, 1998 to December 31, 1998
Contact: Doug Higby, (814) 332-6816

SP6500-063 Contractor shall provide dental laboratory services to the inmate population at the State Correctional Institution at Retreat, Hunlock Creek, PA. Bid specifications on file with Purchasing Office.

Department: Corrections
Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621
Duration: July 1, 1998—June 30, 2001
Contact: Barbara Swiatek, (717) 735-8754

Laundry/Dry Cleaning—25

RFP 99-01 Kutztown University of the State System of Higher Education, Office of Conference Services, will select a minimum of four companies for the purpose of linen supply for the summer conference program. Interested professionals should obtain a Request for Proposals (RFP) from Terry Sitler, Director of Conference Services, Kutztown University, Wiesenberger Alumni Center, P.O. Box 151, Kutztown, PA 19530-0151, (610) 683-1359, fax: (610) 683-4638, email: sitler@kutztown.edu. Proposal submissions are due by March 20, 1998, by 3 p.m. The System encourages responses from all companies, even those which have not worked for the System, and will consider joint ventures which will enable these companies to participate in System professional service contracts. Nondiscrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Education.

Department: State System of Higher Education
Location: Kutztown University, Kutztown, PA 19530
Duration: May 31, 1998—August 15, 1998
Contact: Terry Sitler, (610) 683-1359

Lodging/Meeting—27

CLD-01-98/99 Provide conference facility, meeting rooms, lodging and meals for attendees at the Office of Attorney General Statewide CLD Agent Conference. Meeting rooms and meals required for 3 days; and lodging required for 2 nights. Conference to be held January/February, 1999.

Department: Office of Attorney General
Location: Within 20 miles of Harrisburg Metropolitan area
Duration: Three (3) days—January/February 1999
Contact: Jean M. Kreiser, (717) 783-2369

Medical Services—29

No. 305 The Polk Center has a need for a physical therapist—PA licensed.

Department: Public Welfare
Location: Polk Center, Polk, Venango County, PA 16342
Duration: July 1, 1998—June 30, 2002
Contact: Patty Frank, Purchasing Agent, (814) 432-0229

260221 Optician services for Mayview State Hospital. Contractor to make and repair eyeglasses, frames and lens.

Department: Public Welfare
Location: Mayview State Hospital, 1601 Mayview Road, Bridgeville, PA 15017-1599
Duration: July 01, 1998—June 30, 2003
Contact: F. Molisee, Purchasing Agent, (412) 257-6215

Photography Services—32

11098002 Film processing for the District Office, including standard prints, slides, duplicate prints, and/or slides. The contract will be for an estimated quantity of 600 rolls, 35mm, 24 exposure color film and approximately 6,000 duplicate prints. Free daily (Monday through Friday) pickup delivery is required.

Department: Transportation
Location: Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA
Duration: June 01, 1998 through May 31, 1999 with renewal options
Contact: Bernadette Hatok, (412) 429-4956

SP-366704 Contractor to provide preparation and production of color separations and zinc engravings for use in the Correctional Industries Print Plant Division at the State Correctional Institution at Huntingdon, PA. Camera-ready copies will be submitted to the contractor by the Correctional Industries Print Plant.

Department: Corrections
Location: Bureau of Correctional Industries, Correctional Industries Print Plant, State Correctional Institution, 1100 Pike Street, Huntingdon, PA 16654-1112
Duration: July 1, 1998 to and including June 30, 2001 (3-year period)
Contact: Jeff Rocco, Industries Manager, (814) 643-2400, Ext. 204

Property Maintenance—33

1199-W The contractor shall provide all labor, tools, materials, equipment, services and appurtenances necessary for the removal and replacement of all windows/exterior doors in the State residential structure located on the premises of the State Correctional Institution at Greensburg.

Department: Corrections
Location: State Correctional Institution at Greensburg, R. D. 10, Box 10, Route 119 South, Greensburg, PA 15601-8999
Duration: July 1, 1998 to June 30, 2000
Contact: Wendy Maceyko, (724) 837-4397, Ext. 254

FM-18 Furnish all labor, materials and equipment required to cut, trim and maintain all grass areas at the Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Hazleton Headquarters, 250 Dessen Drive, West Hazleton, PA 18201
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-19 Furnish all labor, materials and equipment required to cut, trim and maintain all grass areas at the Dublin Station, 3218 Rickert Road, Perkasio, PA 18944. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Dublin Station, 3218 Rickert Road, Perkasio, PA 18944
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-20 Furnish all labor, materials and equipment required to cut, trim and maintain the grass area; three cuttings per month or as required by the Commanding Officer. Supply all necessary equipment to perform service and removal of all clippings, trimmings and debris, trim shrubs at entrances. Fertilize one time per year. Use a weed whacker to trim where required. Area to be shown by the Commanding Officer or his representative at the Bethlehem Headquarters, Crime Laboratory, and DNA Laboratory, 2930 Airport Road, Bethlehem, PA 18017. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Bethlehem Headquarters, Crime and DNA Laboratory, 2930 Airport Road, Bethlehem, PA 18017
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-21 Furnish all labor, equipment and materials to cut, trim and maintain grass area. Trimming shrubs and fertilization also required at the PA State Police, Trevoze Station, 3970 New Street, Bensalem, PA 19020. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Trevoze Station, 3970 New Street, Bensalem, PA 19020
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-22 Furnish all labor, materials and equipment required to cut, trim and maintain grass areas, including vegetation/fertilization at the PA State Police, Lima Crime Lab, 350 North Middletown Road, Media, PA 19063. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Lima Crime Laboratory, 350 Middletown Road, Media, PA 19063
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-23 Furnish all labor, materials and equipment to cut, trim and maintain grass areas, including vegetation control at the Transportation and Clothing Warehouse Facilities, 20th and Herr Streets, Harrisburg, PA 17102. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Transportation and Clothing Warehouse, 20th and Herr Streets, Harrisburg, PA 17102
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-24 Furnish all labor, materials and equipment required to cut, trim and maintain the grass area; three cuttings per month or as required by the Station Commander. Fertilization/vegetation one time per year, including trimming of shrubs twice a year (spring/fall) at the Newport Station, 52 Red Hill Road, Newport, PA 17074. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Newport Station, 52 Red Hill Road, Newport, PA 17074
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-25 Furnish all labor, materials and equipment required to cut, trim fertilize, shrub care and maintain the grass areas at the Stonington Station, R. D. 2, Box 83, Sunbury, PA 17801. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Stonington Station, R. D. 3, Box 83, Sunbury, PA 17801
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-26 Furnish all labor, materials and equipment required to cut, trim and maintain the grass area; three cuttings per month or as required by the Station Commander. Fertilization/vegetation one time per year, including trimming of shrubs twice a year (spring/fall) at the DuBois Station, 101 Preston Way, Falls Creek, PA 15840. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, DuBois Station, 101 Preston Way, Falls Creek, PA 15840
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-27 Furnish all labor, materials and equipment required to cut, trim and maintain the grass area including three cuttings per month or as needed to be determined by the Station Commander. Fertilize/vegetation one time per year. Trim shrubs twice a year (spring/fall) at the Uniontown Station, R. D. 1, Box 1, Gaddis Crossroads, Lemont Furnace, PA 15456. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Uniontown Station, R. D. 1, Box 1, Gaddis Crossroads, Lemont Furnace, PA 15456
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

FM-28 Furnish all labor, materials and equipment to cut, trim and maintain the grass area, including vegetation/fertilization at the Lamar Station, R. D. 3, Box 472A, Mill Hall, PA 17751. Detailed work schedule and bid must be obtained from Facility Management Division, (717) 783-5484.

Department: State Police
Location: Facility Management Division, Lamar Station, R. D. 3, Box 472A, Mill Hall, PA 17751
Duration: July 01, 1998 to June 30, 2001
Contact: Deshawn Lewis or Joan Berkoski, (717) 783-5484

Real Estate Services—35

47A Public Auction, State Owned Property, March 31, 1998 at 12:00 Noon. The Allentown State Farm will be sold in seven (7) parcels. Bidding will begin at \$3,000 per acre. For more information contact Lloyd Colegrove at (717) 772-0538.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17125
Duration: Indeterminate 1997-98
Contact: Lloyd Colegrove, (717) 772-0538

55A Dixmont State Hospital For Sale. Department of General Services will accept bids for the purchase of the former Dixmont State Hospital property located on Ohio River Boulevard (State Route 65). The property is in the following municipalities: Emsworth Borough, Kilbuck Township, and Aleppo Township. Bids are due June 4, 1998. Interested parties wishing to receive a copy of the bid documents should contact Bradley J. Swartz, (717) 783-0225. Solicitation No.: 55.

Department: General Services
Location: Real Estate, 505 North Office Building, Harrisburg, PA 17105
Duration: Indeterminate 1997-98
Contact: Bradley J. Swartz, (717) 783-0225

98-040-REA-1 Appraisal of real estate required for construction of the Tunkhannock By Pass in Wyoming County. Contractor must be on the Department's Prequalified list of approved appraisers with the general appraiser certification. Requests for bid packages must be received by March 20, 1998.

Department: Transportation
Location: Wyoming County, District 4-0
Duration: Indeterminate 1998-99
Contact: Donald J. VanFleet, (717) 963-4073

Sanitation—36

0840-Refuse Placement of refuse containers and removal of refuse at various locations in York County. All requests for bid packages must be received by fax at (717) 854-6773 (Attn: Vicki Mays) or telephone (717) 848-6230 8—4 p.m., Monday through Friday.

Department: Transportation
Location: Various locations in York County, PA
Duration: 3 year period
Contact: Vicki Mays, (717) 848-6230

98-MP001 Awarded vendor shall pump and empty out grease trap and holding tanks at State Correctional Institution Camp Hill Correctional Industries Meat Processing Plant on a monthly basis.

Department: Corrections
Location: Bureau of Correctional Industries Meat Plant, State Correctional Institution, Camp Hill, PA
Duration: 3 years
Contact: Patricia J. Cassell, (717) 975-4999

11098003 This work shall consist of complete operation, process monitoring, laboratory testing and maintenance of two extended aeration wastewater treatment plants and two noncommunity water supply systems at a pair of safety rest areas. The contract will require a certified wastewater operator, bid bond, liability insurance and furnishing all chemicals.

Department: Transportation

Location: Engineering District 11-0, sites located on I-79, Plain Grove Township, 2 miles north of Slippery Rock Interchange

Duration: June 01, 1998 through May 31, 1999 with two 2-year renewals

Contact: Joe DiPietro, (412) 429-4954

Security Services—37

SP-367485 Provide unarmed and/or armed Security Guard Service for approximately 16 Wine and Spirits Shoppes in, but not limited to, Philadelphia, Bucks, Chester, Montgomery and Delaware Counties.

Department: Liquor Control Board

Location: Wine and Spirits Shoppes in but not limited to, Philadelphia, Bucks, Chester, Montgomery and Delaware Counties

Duration: July 1, 1998 to June 30, 1999 with four additional 1-year options

Contact: Debra Brinser, (717) 772-2043

Vehicle, Heavy Equipment—38

2000 Vendor will provide four maintenance inspections per year and any required repairs to the Institution's forklifts.

Department: Corrections

Location: State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, Pittsburgh, PA 15233

Duration: May 01, 1998 to June 30, 2001

Contact: Carol Schaeffer, Purchasing Agent II, (412) 761-1955, Ext. 291

Miscellaneous—39

038 Site preparation, installation and materials for electric deer fencing around a portion of the timber sale near Greenlee Road, Jackson Township, Huntingdon County, on Rothrock State Forest. Perimeter is approximately 11,000 linear feet.

Department: Conservation and Natural Resources

Location: Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652

Duration: Upon final execution/approval through July 31, 1998

Contact: Randall D. White, Forester, (814) 643-2340

038A Site preparation, installation and materials for woven wire fencing around a portion of the timber sale along PA Route 26 in Jackson and Barree Townships, Huntingdon County, on Rothrock State Forest. Perimeter is approximately 6,800 linear feet.

Department: Conservation and Natural Resources

Location: Rothrock Forest District No. 5, Rothrock Lane, Huntingdon, PA 16652

Duration: Upon final execution/approval through June 30, 1998

Contact: Randall D. White, Forester, (814) 643-2340

141 To provide religious service for the students of Loysville Youth Development Center and Loysville Secure Treatment Unit.

Department: Public Welfare

Location: Loysville Youth Development Center, R. D. 2, Box 365B, Loysville, PA 17047

Duration: April 1, 1998 to June 30, 1999

Contact: Mary Lou Auman, Purchasing Agent, (717) 789-5508

1998-1 1. Film Badges—Regular monthly service monitoring X-ray, Beta and Gamma. 2. Film Badges—Regular monthly service monitoring X-ray, Beta, Gamma and Neutron. 3. Cancellation and Reissue changes per badge as required periodically and initial setup charges for new personnel as required. 4. Changes for damaged and/or lost holders at Termination of Service Contract.

Department: Transportation

Location: 1118 State Street, Harrisburg, PA 17120

Duration: July 01, 1998 to June 30, 2000

Contact: Jeannie Platt, (717) 783-6717

DGS-NETWORK 98 The Commonwealth of PA, Department of General Services is planning a convention for August 24 through 27, 1998 to be held at the Valley Forge Convention Center in King of Prussia, PA. The convention will attract Commonwealth, municipal and college personnel from all over the State working in such areas as purchasing, public works, real estate, maintenance, administration, MIS and more. The current plans are to have a vendor show in the afternoon of August 25th and the morning of August 26th. The size of the vendor booths will be 10' x 10' and cost \$600. Persons who are interested in participating in the vendor show, fax the following information to (717) 783-9078 or (717) 783-6241: contact person, company name, address, phone number, fax number. We anticipate having the vendor application ready for mailing by the beginning of March 1998.

Department: General Services

Location: Harrisburg, PA

Duration: Indeterminate 1997-98

Contact: Vendor Services, (717) 787-2199 or (717) 787-4705

SP6500-065 Vendor shall provide Protestant Chaplaincy Services to inmate population at the State Correctional Institution at Retreat.

Department: Corrections

Location: State Correctional Institution at Retreat, R. D. 3, Box 500, Hunlock Creek, PA 18621

Duration: July 1, 1998—June 30, 2001

Contact: Barbara Swiatek, (717) 735-8754

[Pa.B. Doc. No. 98-404. Filed for public inspection March 6, 1998, 9:00 a.m.]

DESCRIPTION OF LEGEND

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| <p>1 Advertising, Public Relations, Promotional Materials</p> <p>2 Agricultural Services, Livestock, Equipment, Supplies & Repairs: Farming Equipment Rental & Repair, Crop Harvesting & Dusting, Animal Feed, etc.</p> <p>3 Auctioneer Services</p> <p>4 Audio/Video, Telecommunications Services, Equipment Rental & Repair</p> <p>5 Barber/Cosmetology Services & Equipment</p> <p>6 Cartography Services</p> <p>7 Child Care</p> <p>8 Computer Related Services & Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p>9 Construction & Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p>10 Court Reporting & Stenography Services</p> <p>11 Demolition—Structural Only</p> <p>12 Drafting & Design Services</p> <p>13 Elevator Maintenance</p> <p>14 Engineering Services & Consultation: Geologic, Civil, Mechanical, Electrical, Solar & Surveying</p> <p>15 Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core & Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p>16 Extermination Services</p> <p>17 Financial & Insurance Consulting & Services</p> <p>18 Firefighting Services</p> <p>19 Food</p> <p>20 Fuel Related Services, Equipment & Maintenance to Include Weighing Station Equipment, Underground & Above Storage Tanks</p> <p>21 Hazardous Material Services: Abatement, Disposal, Removal, Transportation & Consultation</p> | <p>22 Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental & Repair</p> <p>23 Janitorial Services & Supply Rental: Interior</p> <p>24 Laboratory Services, Maintenance & Consulting</p> <p>25 Laundry/Dry Cleaning & Linen/Uniform Rental</p> <p>26 Legal Services & Consultation</p> <p>27 Lodging/Meeting Facilities</p> <p>28 Mailing Services</p> <p>29 Medical Services, Equipment Rental and Repairs & Consultation</p> <p>30 Moving Services</p> <p>31 Personnel, Temporary</p> <p>32 Photography Services (includes aerial)</p> <p>33 Property Maintenance & Renovation—Interior & Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning & Planting, etc.)</p> <p>34 Railroad/Airline Related Services, Equipment & Repair</p> <p>35 Real Estate Services—Appraisals & Rentals</p> <p>36 Sanitation—Non-Hazardous Removal, Disposal & Transportation (Includes Chemical Toilets)</p> <p>37 Security Services & Equipment—Armed Guards, Investigative Services & Security Systems</p> <p>38 Vehicle, Heavy Equipment & Powered Machinery Services, Maintenance, Rental, Repair & Renovation (Includes ADA Improvements)</p> <p>39 Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
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GARY E. CROWELL,
Secretary

Contract Awards

The following awards have been made by the Department of General Services, Bureau of Purchases:

Requisition or Contract #	Awarded On	To	In the Amount Of
1620117-01	02/20/98	Comeq, Inc.	12,999.00
1617117-01	02/20/98	Carr Concrete	16,576.00
1576117-01	02/20/98	Allegheny Fence Const., Inc.	29,940.00
1604147-01	02/20/98	Dancey Associates	13,401.00
1623077-01	02/20/98	Custom Promotions, Inc.	4,982.40
1492117-01	02/23/98	S. W. Food Service Equipment	9,726.00
1671077-01	02/23/98	Moore Business Forms, Inc.	12,894.00
1613117-01	02/23/98	Sonco Fence	15,627.16
1490227-01	02/23/98	Elizabethtown Dodge	13,967.00
1283237-01	02/23/98	Custom Trailer, Inc.	9,640.00
1440207-01	02/23/98	Eroen Enterprises	17,354.35

**Requisition
or
Contract #****Awarded
On****To****In the
Amount Of**

1626157-01	02/23/98	Digital Ink	6,594.00
1330217-01	02/23/98	Trew Company, Inc.	12,200.00
1615157-01	02/23/98	MBA Design and Display	21,914.45
0061-11	03/01/98	David A. Smith Printing, Inc.	28,593.00
6810-04	03/01/98	Carmeuse Pennsylvania, Inc.	40,315.00
6810-04	03/01/98	Mercer Lime and Stone Co.	34,860.00
6810-04	03/01/98	George S. Coyne Chemical Co., Inc.	57,090.00
9905-14	03/01/98	Signs and Blanks, Inc.	361,606.75

GARY E. CROWELL,
Secretary

[Pa.B. Doc. No. 98-405. Filed for public inspection March 6, 1998, 9:00 a.m.]